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HISTORY

OF

April 28 1833
MASSACHUSETTS

FROM JULY, 1775,

WHEN GENERAL WASHINGTON TOOK COMMAND

OF THE

Gen. Bannett's
AMERICAN ARMY, AT CAMBRIDGE,

1833.

TO THE YEAR 1789, (INCLUSIVE,)

WHEN THE FEDERAL GOVERNMENT WAS ESTABLISHED

UNDER

THE PRESENT CONSTITUTION.

By ALDEN BRADFORD,

AUTHOR OF THE VOLUME OF HISTORY OF MASSACHUSETTS

PUBLISHED IN 1822.

BOSTON :

PUBLISHED BY WELLS AND LILLY.

1825.

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History of Massachusetts from July 1775, when General Washington took command of the American Army at Cambridge, to the Year 1789, (inclusive,) when the Federal Government was established under the Present Constitution. By Alden Bradford, Author of the volume of History of Massachusetts published in 1822.

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JNO. W. DAVIS,

Clerk of the District of Massachusetts.



To JOHN ADAMS,
DAVID SEWALL, WILLIAM BAYLIES,
GEORGE PARTRIDGE, TIMOTHY PICKERING,
SAMUEL FREEMAN, THOMAS MELVILLE, DAVID COBB,
PELEG WADSWORTH, JOHN BROOKS,
PEREZ MORTON, JUDAH ALDEN, BENJAMIN PIERCE,
JOHN POPKIN, NATHAN RICE,
And Others,

WHO WERE IN CIVIL OR MILITARY OFFICE

IN MASSACHUSETTS IN 1775;

AND WHO,

AFTER A LAPSE OF FIFTY YEARS, STILL SURVIVE;

THE PATRIOTIC ASSERTERS, AND INTREPID DEFENDERS,

OF

AMERICAN FREEDOM,

IN THE CABINET AND IN THE FIELD; WITH GRATITUDE FOR

THEIR INVALUABLE SERVICES, AND ADMIRATION

OF THEIR UNDAUNTED HEROISM;

THIS VOLUME

IS VERY RESPECTFULLY DEDICATED,

BY

THE WRITER.

PREFACE.

IN a volume, published in 1822, the record of events in Massachusetts was brought down to July 1775. The period embraced by that volume was one of uncommon political interest. It was from 1765 to 1775, that the controversy between the government of England and the people in the thirteen American colonies, then a part of the British empire, which issued in their independence, took place and was continued : and, as the dispute was more particularly and uniformly maintained by the Assembly of Massachusetts, than in any other colony, previously to a resort to arms in defence of constitutional rights, when petitions, remonstrances and arguments had failed, it was considered proper to give a full statement of it. Soon after the affair of Lexington and Concord, when it appeared that the British resolved to support their arbitrary measures by the sword, the Continental Congress concluded to make a common cause with Massa-

chusetts; provided for an army to be raised by all the colonies unitedly; and appointed General Washington to take the command of it.

After this event, the contest having assumed a more military character, and being supported by the united strength of all the provinces, the history of Massachusetts becomes more connected with the general proceedings of the whole: and as the theatre of the war for many months after the epoch above mentioned, was in that province, a record of events which there occurred will include the important transactions of all the colonies in opposition to British usurpation. A principal part of the force opposed to the ministerial troops was also furnished by Massachusetts, for some time after the organization of the continental army.

In the subsequent periods of the revolutionary war, though the leading events which took place in the United States have been preserved by able writers, the particular efforts of Massachusetts have not been fully recorded. A faithful narrative will show, that her citizens did not relax in their exertions after the seat of war was removed to other parts of the continent; but that the same zeal was exhibited and support given, through the whole contest, which appeared in its early stages.

The writer of this volume has been sensible of the difficulty of doing full justice to Massachusetts, without referring to events of a general nature, in which all the states were concerned. It has been his endeavour, to give only a concise and rapid statement of transactions in other parts of the United States. A general and connected view seemed to be proper, in stating the particular efforts and services of Massachusetts; as these were rendered, in most cases, in compliance with the requisitions of the continental Congress, and composed a part of the united exertions of America for freedom and independence. He hopes he has not dwelt too much upon transactions, in which all the states were engaged; nor omitted to notice such as particularly regarded the state of Massachusetts.

It was asserted by some members of the convention in Massachusetts, January 1788, which adopted the federal constitution, that, for several years of the war, this state furnished nearly one third of the continental army. It will be seen in this volume, that the portion of troops required of Massachusetts, was very great, and that the number requested was usually raised. It will be recollected also, that general Washington acknowl-

edged, on several occasions, that, but for the Massachusetts regiments, the regular army would have been insufficient for attack or defence. Although it had an extensive sea coast, of upwards of five hundred miles, to protect by its own militia, the most prompt measures were taken to procure the troops called for to join the continental army in distant parts of America. The state also advanced large sums to these troops, to induce them to engage in the public service; and when the accounts of the several states were adjusted, at the close of the war, it was found that Massachusetts had borne more than her just portion of the public burdens.

The history of Massachusetts, after the peace of 1783, during several succeeding years, is very important. The immense debt, for which it had to provide payment, and the embarrassments on trade, occasioned a general discontent and complaint among the people, which impeded the regular course of law and threatened to destroy all social order. It was a period of great public distress and alarm; and nothing but uncommon wisdom and firmness in the rulers saved the Commonwealth from the evils of anarchy.

The establishment of the federal government over the whole United States, which took place soon after the period just mentioned, was also an event of great interest in the country; and the proceedings in Massachusetts, relative to it, merit particular notice.

With a deep sense of the importance of accuracy, fidelity, and impartiality in those who profess to give a correct record of events, or a just character of public men, it is unnecessary, perhaps, to add, that it has been the constant endeavour of the writer, in this as in the former volume, to have the statements given strictly conformable to truth; and that he has been anxious not to advance any thing as fact, upon conjecture, or to give party representations as a substitute for prevalent public opinion.

Boston, 12th February, 1825.

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HISTORY

OF

MASSACHUSETTS.

CHAPTER I.

Number and condition of troops at Cambridge, July 1775 . . . Reasons for not attacking the British in Boston . . . Character of Washington . . . Generals in the army . . . Supply of men and powder by Massachusetts . . . The affair of Machias . . . Expedition to Lake Champlain . . . Defensive war *only* yet intended—Character of Hancock, T. Cushing, Samuel Adams, J. Adams, R. T. Paine, J. Warren.

WHEN General Washington, by appointment of the Continental Congress, took command of the American troops in the vicinity of Boston, the third of July, 1775, they were estimated at about 15,000. Of these, more than 9,000 belonged to Massachusetts; Connecticut, New Hampshire and Rhode Island furnished the residue. They had assembled at Cambridge and Roxbury, soon after the attack, by a detachment of the British army in Boston on the defenceless citizens of the province

at Lexington and Concord. These troops, collected to oppose a large and disciplined army, were none other than the yeomanry of the country, with such arms as could be suddenly procured; though a small portion of them, denominated "minute men," had been occasionally trained to military duty, for a few months before. The whole colonial force had been under the command of general Ward, whose head-quarters were in Cambridge; general Thomas commanding the right wing at Roxbury, and general Putnam of Connecticut the left wing, on Prospect Hill, in the western part of Charlestown. On the arrival of Washington at Cambridge, as commander in chief, Ward was placed over the right wing in Roxbury; and Lee, then lately appointed a major general by Congress, had the command of the left, on Prospect Hill.

The American army did not consist of so many men, as had been represented to general Washington; or, as a short period before his arrival, were assembled in arms, in the neighbourhood of the metropolis. Several companies, which were marched at the moment of alarm, had returned to their respective homes. At one time, they had been estimated at 18,000. If it was in the design of Washington immediately to commence offensive operations against the British troops, and to drive them from the capital of Massachusetts, his plan must have been disconcerted on finding the Americans less numerous than he had expected; and his resolution for the attempt yet more shaken, by witnessing the deficiency of arms and the great want of discipline and subordination among the troops he was appointed to command.

To organize and discipline an army of such materials, of men who had seen little actual service and who were unacquainted with military tactics ; and to render them formidable to regular troops ; was a work requiring time, intelligence and prudence. The yeomanry of Massachusetts and of the other New England Colonies were, indeed, brave, resolute, and ready for any enterprize however hazardous. But they were the lords of the soil, and they acknowledged no higher and lower grades among them, in which some were entitled to command, and others bound to obey. To civil authority, they were certainly most obedient. But happily they knew nothing of standing armies ; and officers of the militia, being chosen from the great body of citizens, and usually retaining their commission only for a few years, acquired no peculiar respect, by which their commands would be promptly and uniformly obeyed. The first great object of the commander in chief, therefore, was to produce a spirit of subordination ; and to persuade the people, both in and out of the American camp, of the absolute necessity of military discipline and of strict obedience to superior officers. With all his prudence and address, and enthusiastic as they were in the cause of freedom and of their country, his wishes were but partially accomplished, until some time after the commencement of the war. The subaltern officers frequently departed from the camp for several days, without leave of absence : and whole companies, claiming to have come as volunteers, left the army, contrary to the desires of the commander in chief. At a subsequent period, though their term of enlistment had expired, but against the urgent re-

quest of Washington, as the army had become much reduced, the whole Connecticut line was disbanded and returned to their homes.

Another very serious difficulty prevented the plan of offensive warfare at this early period of the contest. The troops were deficient in good fire arms, for many which they brought with them were almost unfit for use. Nor was it possible entirely to remedy the deficiency, though great exertions were immediately made for that purpose. Of the necessary article of gun-powder, there was also a most alarming deficiency. And there were at this time, very few cannon in the American army, so essential in storming a fortified town. To the want of an efficient artillery corps may justly be attributed the defeat of the Provincial troops at Bunker's Hill, on the 17th of June.*

It was evidently, then, the dictate of sound discretion in the commander in chief, to refrain from an immediate attack on the British troops in Boston, who would probably have been provoked to retaliate upon the besiegers; and these would not have been able, in their unprepared condition, to repel the assault. It is matter of surprise, however, that the British general, with a regular army, so amply prepared for the contest, did not attempt to force the American lines, and disperse the provincial troops, who were so deficient in discipline and in military stores. These considerations are sufficient to justify general Washington, in not acting more decidedly on the offensive at this period. To which may be added, the reluctance of the opulent citizens of Boston to an attempt to

* There were only four *brass* field pieces in the whole American army at this time.

drive the British by force from the town, as a great destruction of property would probably be the consequence: and the system of opposition, deliberately adopted by the colonists, being then merely defensive, would not well consist with a more vigorous hostility, than preparations to prevent the ministerial army from marching into the country for plunder, and to meet it with a good face, at a future day, if a reconciliation should not be effected with the parent state. For even at this period, and for several months later, though the sword had been drawn, and the blood of Americans, wantonly spilt, called on the people for vengeance, there was still a hope that administration would recede from its despotic measures, and that the rights of Americans would be acknowledged without further hostilities. Many intelligent citizens also who were warmly opposed to the conduct of the British cabinet, were averse from the idea of Independence. And the language of the Continental Congress was in favour of reconciliation, upon the recognition of the civil authority of the Colonial Assemblies, as had been formerly exercised. When, nearly twelve months after this, the question of Independence was discussed, it was not without great reluctance, that several eminent patriots consented to the measure.*

The appointment of general Washington to command the American army was a most fortunate selection. Perhaps, no other individual in the colonies would have been competent to the place and the occasion. He possessed, in an emi-

* Mr. Dickinson, the celebrated author of the Farmer's Letters, was one of these.

ment degree, all the qualities necessary to a great general; particularly, to form and direct an army composed of men like the Americans. He came to the office with a high reputation for patriotism, intelligence and experience. In a former war between England and France, he had seen something of military plans and movements. And he had given proofs of great prudence and judgment, as well as of personal courage. Had he been impetuous like Putnam, or rashly bold like Arnold, the colonial army had probably been exposed to total defeat. But with great decision and energy of character, sufficient for the most daring enterprise, he united all the prudence and caution so important in the commander of a feeble and incipient army. His disposition and manners were such also as to win the affections of all ingenuous minds: and yet the disobedient and refractory were certain to receive that prompt infliction of punishment so requisite to military order and submission. He never exposed the lives of the soldiers unnecessarily; nor hazarded an attack on his enemy, where the prospect of success was very doubtful, except in cases where public opinion seemed loudly to call for action. If he was ever compelled to an act of apparent severity, it was a sacrifice of feeling to imperious duty; when the good of the country demanded it, and the rules of war rendered it justifiable.* Unprepared

* Extracts from his orders to general Arnold, who commanded the expedition to Quebec by the way of Kennebec, Sept, 1775, "You will observe the strictest discipline and order, by no means suffering any inhabitant to be abused, or in any manner injured, either in his person property, punishing with exemplary severity every person who shall transgress, and making ample compensation to the party in-

as the colonists were at first to meet the regular troops of Britain in the open field, he was remarkably fitted to direct their military movements; to restrain the resolute, to inspirit the timid, and to create an army, adequate to the repulsion of British mercenaries, and to the establishment of American freedom. His love of liberty was ardent and unextinguishable. In him, it was a most elevated and holy sentiment, unalloyed by selfishness or ambition. Had the British troops been too powerful for the American army; had they taken possession of the Atlantic settlements and planted the standard of despotism on the cultivated lands of Anglo-Americans; he had resolved to retire to the western mountains, with the chosen sons of liberty who should adhere to him; and there build up another empire of civil freedom.

Charles Lee, Esq. then recently appointed major general, by the Continental Congress, joined the army at Cambridge at this time. He had been several years in the English service, in which he acquired a high reputation for courage, and displayed considerable military talents. But it was supposed he cherished some feelings of rivalry toward general Washington, and even aspired to the chief command of the American army. At a subsequent period, his conduct fully justified this

jured. If Lord Chatham's son should be in Canada, and, by any means, fall into your power, you are enjoined to treat him with all possible deference and respect; you cannot err in paying too much honour to the son of such an illustrious character, and so true a friend to America. Any other prisoners who may fall into your hands, you will treat with as much humanity and kindness as may be consistent with your own safety and the public interest."

opinion. The citizens belonging to Massachusetts, who received commissions from the General Congress, at this time, were Artemas Ward, major general, Seth Pomeroy, John Thomas and William Heath, as brigadiers.*

The Provincial Congress of Massachusetts was in session, at this time, in Watertown, and on the arrival of general Washington at head-quarters in Cambridge, they appointed a committee to wait on him, with assurances of perfect respect and confidence, and of readiness to render him all the aid, which the resources of the province would admit. He had been instructed by the Continental Congress to consult the civil authority of Massachusetts; and, in his military operations, to conform, as far as possible, to its direction and advice. The most perfect harmony was maintained between them, while the American army continued within the province.

He had been at Cambridge but a few days, before he made a request for a reinforcement of the army of 3,000 men, to be raised immediately, within the province of Massachusetts, which already furnished about three fourths of the troops then collected. An order was promptly passed by the Provincial Congress for enlisting this number, and the several towns in Middlesex and the adjoining counties were required to raise their respective quotas, though, a few days after, a counter order was issued, at the suggestion of the commander in chief. The call was made when the movements of the British in Boston indicated an attack upon the American lines, and on finding that the

* Putnam of Connecticut and Schuyler of New York were appointed Major Generals in the continental army.

troops at Cambridge and Roxbury were not so numerous as had been represented. Some recruits arrived from the southern colonies in the mean time, even as far as Virginia;* and the fear of a sortie from the besieged in Boston subsiding, it was concluded to suspend the execution of the order, as to two thousand.

At the same time, a request was made by general Washington for gun-powder; an order was sent out, by the Provincial Congress, to all the towns within forty miles, to furnish a quantity from their regular stock, and a large amount was immediately collected.

Early in June, two large coasting vessels and a British tender went from Boston to Machias, a small settlement in the eastern part of Maine, to obtain lumber for the benefit of the enemy. The Provincial Congress of Massachusetts had forbidden the people to supply the British with provisions or lumber of any kind. The citizens of Machias were therefore determined to defeat the plan which the owners of the vessels had in view. They took possession of one of the coasters, and secured her at the wharf. The commander of the tender, with the other in his custody, moved down to the mouth of the river, intending there to load with lumber and return to Boston. A number of the people embarked on board a small vessel and dropped down to the entrance of the harbour, to prevent the British in their enterprize. A skirmish ensued. After a severe engagement of an hour, the tender was captured. The captain re-

* Eight companies of riflemen from Pennsylvania, Maryland and Virginia, consisting of 100 each: and were only twenty days on their march.

ceived a mortal wound, of which he died the next day, and two of his men were killed, and several severely wounded. Six of the Americans also were wounded, and one was killed in this affray. Captain Jeremiah O'Brien, who commanded in the affair, conducted with great bravery.

In June, a committee* of the Provincial Congress of Massachusetts had been sent to lake Champlain for the purpose of causing such of the cannon and military stores, just before taken in the forts at Crown Point and Ticonderoga, as was practicable, to be transported to Cambridge for the use of the army there, and for concerting suitable measures for further military operations in that quarter and in Canada. It was early perceived, that it would be highly important to take possession of the fortresses on the lake, and thus prevent the British from penetrating into the western parts of the colonies, and also to engage the feelings of the Canadians in support of civil liberty, for which the colonies were contending.

The patriots of Connecticut, New York, Massachusetts and New Hampshire were early sensible of the great advantages of securing the north-western passes from Canada to the frontier settlements. Soon after the affair at Lexington, when it was generally believed that the colonies must resort to force to maintain their rights, an expedition was planned in Connecticut† to seize the British forts on lake Champlain. A few resolute men immediately proceeded to the county of Berkshire in Massachusetts, where they were

* W. Spooner, J. Foster, and J. Sullivan.

† Mr. Hancock and S. Adams, then on their way to Philadelphia, were present at the consultation.

joined by Colonel James Easton, Major Brown and others,* in the bold and arduous enterprize. On the New Hampshire Grants, so called, (now Vermont) the party was still further augmented by a number of men collected by Ethan Allen, Esq., and Colonel Seth Warner. Benedict Arnold of Rhode Island, who offered his services to the congress of Massachusetts for this purpose, was also dispatched, in the early part of May, to that quarter, to assist in the undertaking. He was authorised to enlist 200 men for the service; but he proceeded without raising any, and arrived at the lake soon after the others had reached it, and was engaged with them in the capture of Ticonderoga and Crown Point. Immediately after, he proceeded to St. John's, situated at the northern extremity of the lake, where he surprized and took the fortress occupied by the British.

Arnold was a brave and resolute officer, but of violent passions and unwilling to submit to the command of others. A dispute soon arose respecting the chief command of the troops in that quarter; Arnold assuming the right, while Easton and Allen were opposed to his pretensions. When the committee from the Congress of Massachusetts arrived, they gave an opinion unfavourable to the claims of Arnold, in consequence of which he resigned his commission for that department. The committee continued at the lakes several weeks, for the purpose of organizing a military force sufficient to keep possession of the captured forts. They provided for the reinforcement of the American troops by several companies from the county

* About 220 in the whole. Major Brown was a brave officer, and of great service in this expedition

of Berkshire; and appointed agents to furnish them with necessary provisions, and such military stores as could be procured there. These troops were soon after augmented by a party from the province of New York, amounting to about three hundred.

Without this seasonable precaution, the British regular troops, assisted by the Canadians and Indians, would have harassed the western settlements in the New England Colonies; and so well secured themselves in the forts on lake Champlain, as to facilitate any future plan of a formidable invasion from that quarter. This seems to have been foreseen by men of intelligence in Massachusetts, as well as in New York, Connecticut, and New Hampshire. Joseph Hawley, Esq. of Hampshire county was most decided and zealous in favour of this expedition. He addressed a letter (June 4th,) to general Joseph Warren, then President of the Provincial Congress, and chairman of the committee of safety, urging immediate attention to the subject, and stating the great importance of maintaining a military force on the lake for the security of the country. He was then an influential member of the Provincial Congress, but was with his family at Northampton. In his opinion, it was equally important to prevent the British from regaining the forts on the lake, as to check them in their attempts to penetrate the province on the sea board. This letter, it is believed, induced the Congress of Massachusetts to appoint a committee to proceed to the lake and to take measures for strengthening the force of the Colonies in that region. This committee advised the Continental Congress of the great im-

portance of holding the forts on the lake. It will also be seen, that, a few months after this period, Massachusetts raised a large number of men for the military service in Canada, although the capital of the Province was in possession of the British, and much more than half of the American army at Cambridge was composed of her brave citizens.

The public documents of the Continental and Provincial Congresses, at this time, afford evidence, that a defensive war only was yet waged against the British government; and that some hope was cherished of reconciliation on terms consistent with ancient charter rights and privileges. After referring to the arbitrary measures of the ministry towards the Colonies for ten years, the claims of Parliament to impose taxes on the people of America, who were not represented in that body, and the employment of military power to compel submission to oppressive and unconstitutional laws, they declared their resolution to stand in *defence* of their liberty, and to repel force by force. "Our fathers," they said, in an address to the people, "left their native land to seek, on these shores, a residence for civil and religious freedom; at the expense of their blood, at the hazard of their fortunes, and without the least charge to the parent state, by an unconquerable spirit and great enterprize, they effected settlements in the distant, inhospitable wilds of America, then filled with numerous and warlike nations of barbarians. Societies, or governments were formed, vested with *perfect* legislatures, under charters from the crown." They then stated the various claims and statutes of Parliament, which militated with their

charter rights, and were subversive of constitutional freedom, as subjects and citizens of the British government; the transporting and stationing of an army in the Colonies to enslave the people; and the attacks already made by the military upon the innocent and defenceless inhabitants. "We are thus reduced," they added, "to the alternative of choosing an *unconditional* submission to tyrannical ministers, or resistance by force. The latter is our choice. We have counted the cost, and find nothing so dreadful as voluntary slavery. Honour, justice and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us.—We however, assure our fellow subjects in every part of the Empire, that we *mean not to dissolve that union which has so long subsisted between us, and which we sincerely wish to be restored.* We have not raised armies with *ambitious designs of separating from Great Britain and establishing independent States.* We *fight not for glory or conquest. In our native land, in defence of that freedom which is our birth right, and which we ever enjoyed until the late violations, for the protection of our property acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered us, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed; and not before.*"

There were several members of the Continental Congress, at this period, who were totally averse from the idea of Independence; believing that the Colonies were not equal to a successful

resistance of the British government; and many were not even desirous of separation, if they could be restored to their former rights and authority.

The patriots of Massachusetts were not professedly aiming at Independence; nor was such their real ultimate object, at this period; and yet most of them were of opinion, thus early even, that a separation would be the result, as the British ministry were resolved to compel submission to their arbitrary and oppressive measures. They perceived the alienation which would arise from the contest; and believing, that the parent government would not recede, they came to the conclusion, that they must willingly submit to surrender up their liberty, or prepare to take their stand as an independent nation. The conduct of the British administration justified such an opinion. It declared its determination to prosecute the war it had begun until the colonies should acknowledge the entire and absolute supremacy of the British Parliament over them, though they had no voice in the laws they were required to obey. With a singular unanimity Massachusetts resolved to draw upon its resources to the utmost, to annoy the British troops and to strengthen the American army, collected within its territory. For several months after the Continental army was formed, this Province bore the chief burden of the contest.

The General Congress met again this year in May; the delegates to which from Massachusetts, were John Hancock, Thomas Cushing, S. Adams, J. Adams and R. T. Paine; the same persons who were appointed the year before, with the exception of Mr. Hancock in the place of Mr. Bowdoin, who declined. Mr. Hancock was early chosen

president of that body in the absence of Peyton Randolph of Virginia; and on the death of Mr. Randolph, in October, he was again elected to that office, which he held as long as his health permitted.

Mr. Hancock was a man of great wealth, and possessed of showy and popular talents. On many occasions, he had given strong evidence of disinterested patriotism; and was aware of the destiny which awaited him, if the struggle should be unsuccessful. His conduct was so decided, and so obnoxious to the British ministry, that if the Colonists had been subdued, his opposition would have been followed by the forfeit of his life. Long before the British troops began hostilities upon the people in Massachusetts, he had taken his stand on the side of liberty and his country. For several years, he had been chosen one of the representatives of the patriotic town of Boston; and more than once a counsellor, but received the negative of the royal governor. When he pronounced the oration, before the inhabitants of that devoted place in 1774, on the anniversary of the massacre of March 1770, though the streets were full of British soldiers and some collected to hear the address, he denounced the conduct of the administration, in its various oppressive acts, and especially in sending an armed force to be stationed in the capital, in time of peace, with a boldness and an eloquence, which excited the astonishment alike of his friends and foes. He was president of the first and second Provincial Congress of Massachusetts, which set at Concord in October 1774, and at Cambridge in February 1775. He was also a member of the committee of safety for the

Province, which, after October 1774 exercised the powers of the Supreme Executive. And he was one of the first board of the Executive Council, in July 1775. Mr. Hancock was successively elected a delegate to the Continental Congress for Massachusetts till the year 1779. He was constantly devoted to the public service; and was ever ready to sacrifice property, as well as ease, to the good of the country. When the present constitution and frame of civil government of Massachusetts was adopted in 1780, he was chosen Governor, by a great majority of votes; and continued in the place, till his death in 1793, with the exception of two years 1785 and '86, when Hon. James Bowdoin was elected.

Thomas Cushing had long and justly sustained the character of a patriot, and had filled important public offices to the satisfaction of the people. He was elected Speaker of the House of Assembly for about twelve years; and he had the entire confidence of the friends of liberty. He was also one of the delegates to the General Congress from Massachusetts in 1774 and 1775. In 1775, 1776 and 1777, he was placed in the Supreme Executive Council; and in 1780 was chosen lieutenant governor of the Commonwealth.

In that band of firm and intelligent statesmen in Massachusetts, who so ably and resolutely opposed the plan of the parent government to infringe the liberties of the colonies, none was more uniform, and none more distinguished than Samuel Adams. James Otis was in the legislative assembly several years before him, and was more ardent and more eloquent; but Mr. Adams was not inferior to him in decision or in devotion to the sacred cause of

civil liberty. He received his education at the university in Cambridge : and afterwards became well acquainted with history and politics. And the spirit of eminent English patriots as well as of the founders of New England animated his whole public conduct. Deliberation and judgment were predominant traits in his character. He was never rash or precipitate ; but most decided and persevering. And he was always careful to appeal to the constitution of England either to justify the conduct of the colonies, or to show the injustice of the British ministry. He possessed the happy talent of convincing the great body of the people, that the opposition was just and reasonable. He and Otis are believed to have been jointly concerned in preparing several publications, which have usually been attributed entirely to the latter. The British government marked him out with a few others,* for signal punishment. While a delegate to the Continental Congress, he was chosen a representative for Boston to the Massachusetts House of Assembly, July 1775 ; and in August following, was appointed secretary. At this time he was elected into the executive council. For several years following, he was chosen a delegate to the General Congress ; and was there distinguished, among other eminent statesmen, for his industry, resolution and firmness. Upon the adoption of the constitution of Massachusetts, Mr. Adams was elected president of the Senate ; over which he presided for several years with much ability and dignity. He was four years lieutenant governor : and in 1794, was elected governor of the state ; in which

* Hancock, Bowdoin, Quincy, T. Cushing, W. Cooper, and Rev. Drs. Cooper and Chauncey

office he remained, until admonished by old age and bodily infirmity to retire from the cares and duties of public life.

John Adams, one of the Massachusetts delegates to the General Congress, in 1774, 1775, 1776 and 1777, became distinguished, at an early age, for his ardent patriotism, and his decided opposition to the arbitrary policy of the British ministry. His public, political career was long and brilliant. No one of the colonies could ever justly boast a character more profound as a civilian, or more resolute and zealous as a patriot. In 1770, he was returned a representative from Boston to the General Assembly, at a time when governor Hutchinson was claiming the exercise of arbitrary power, under the colour of prerogative. In the disputes between the Governor and the Assembly, Mr. Adams took an active part; and some able replies of the House were attributed to his pen. The following year he was chosen to the Council Board, but received the Governor's negative. In the General Congress, no member was more distinguished for legal talents and ardent patriotism. He was among the earliest advocates for Independence: and contributed by his ability and zeal as much as any other statesman in America, to vindicate that measure, and to raise the reputation of the country in foreign nations. He was appointed Envoy to France in 1778, and afterwards to Holland where he rendered essential service to his country, by shewing the resources and zeal of the United States, and procuring loans, so necessary at that period, to maintain the cause of liberty and the credit of the American Congress afterwards. He was afterwards minister at Paris, and had great influence

in forming the treaty of peace in 1783. He then received the appointment of Envoy extraordinary to the English court ; where he was distinguished as an able and faithful agent for the United States. In 1788, he returned to America, and was elected the first Vice President of the Union ; and afterwards, on the retirement of Washington in 1797, he was chosen president. Decision and energy were his great characteristics. He was ardent and without disguise in his conduct, which sometimes subjected him to the charge of precipitancy : and his acquirements, as a statesman, were equalled by very few of his contemporaries.

Robert T. Paine held a high place in the public estimation, for intelligence, firmness and zeal. He took an early and active part in support of the rights of the colonies, when the claims of royal prerogative and of the supremacy of the British parliament were urged with great ability by Hutchinson and others ; and the plan was laid to deprive Americans of the privileges secured to them by their charter. As a lawyer, he was considered among the most eminent in the province. On the failure of Mr. Sewall, the king's attorney, he conducted the prosecution on the part of government, in the memorable case of Captain Preston and his soldiers, for the massacre of several citizens of Boston, on the night of the fifth of March 1770. To this important duty, he was recommended by the selectmen and people of Boston. He was also chairman of the committee for the impeachment of Chief Justice, Oliver, by the House of Representatives in January 1773, on the charge of receiving his salary from England, contrary to the charter and the invariable practice in

the colony. He was an active member of the House of Representatives in June 1774, when a decided posture was assumed, in opposition to the arbitrary measures of the British ministry, and to the requisitions of governor Gage, who had, a short time before, succeeded Mr. Hutchinson, as chief magistrate of the province. While he was a delegate from Massachusetts to the Continental Congress, which was four years, he was also a great part of that time a member of the House of Representatives, speaker, a member of the executive council, and attorney general.* He possessed great decision of character, and few men contributed more than he did, to the support of civil liberty in the country.

James Warren may justly be ranked among the leading patriots of Massachusetts. His early education was the best the country afforded. His talents were respectable; his decision and zeal equal to those distinguished men already mentioned. Soon after the death of major general Joseph Warren, he was chosen president of the Provincial Congress; and, in July, when a General Assembly was convened, he was elected speaker. In the year 1776, Mr. Warren was appointed a judge of the Superior Court, and in 1780, he was chosen lieutenant governor by the legislature, on the adoption of the constitution; but he declined both these offices.

* This being before the present constitution, there were no incompatibilites of office. All the delegates to the General Congress, from Massachusetts, for several years were also members of the Assembly or Council.

CHAPTER II.

House of Representatives chosen . . . Conformity to ancient charter . . . Delay of judicial establishments . . . Choice of Counsellors . . . Measures of defence . . . Finances . . . Paper money . . . Debts increase . . . Requisitions of General Congress . . . Army organized . . . Small pox . . . Privateers . . . Forts built at Winter Hill &c. . . . Sea coast guarded . . . Committee of Continental Congress visit Cambridge . . . Troops ordered for 1776 . . . Views of Congress on Separation from Britain . . . Agents to treat with Indians . . . Affair at Cape Ann . . . Falmouth burnt and Bristol attacked . . . Judges and Justices appointed . . . Gun powder imported from West Indies . . . Debts.

ON the 19th of July, the representatives from the several towns in the province, who had been chosen in pursuance of writs issued by the Provincial Congress in June, met at Watertown, where the latter body had been lately sitting; and proceeded to organize themselves, by the choice of a speaker and clerk, in conformity to former usage and the provisions of the charter, under which the legislature of the province had acted from 1692. Although the 'Provincial Congress did not materially differ from the House of Representatives, being chosen in like manner and by the same persons, yet it was an assembly not recognized in the charter, and had been substituted in the place of the latter, when governor Gage omitted to issue precepts for a regular General Court. As no new form of Government was prepared, and as a formal separation from Britain had not then taken place, nor any resolution been adopted to become Independent. it was the opinion of the intelligent

civilians in Massachusetts, that it would be proper still to conform to the charter of 1692, which had hitherto been their constitutional political guide. They felt the difficulty of the situation, in which the people and the government they had assumed, were placed. They were too wise and too patriotic, to think of maintaining regular civil authority, necessary to the due administration of justice and to the support of good order, without a legislature, legitimately called and organized, an executive distinct, in some degree at least, from the legislative power, and a judiciary independent of both.

After the commencement of hostilities, when the authority of Gage, the royal governor, and the counsellors appointed by the crown, contrary to the charter, was renounced, the anxiety increased in reference to the novel and dangerous state, in which the province was thus left, and the enquiry was often made, what remedy could be provided to prevent the evils which would probably ensue. It was true, that the Provincial Congress was composed of persons chosen by the people to legislate for them; or rather to advise to measures for their immediate protection. And this Congress or assembly had appointed a Committee of Safety from their number, who were to perform the executive duties of the government, except the appointment to office. But there were no courts of justice; for the commissions of the judges had been declared unconstitutional, and they forbidden to act under them. County conventions subsequently recommended to the people to suspend all demands and disputes of a private nature; and in public concerns, to submit to the directions

of the Provincial Congress. A deep feeling of patriotism, and an anxiety for the freedom and welfare of the country absorbed all selfish considerations; and very few indeed were found to take advantage of the peculiar state of the government.

With this impression of the want of a regular government, the Provincial Congress of Massachusetts in May repeatedly applied to the Continental Congress for advice. They stated, that they were without a governor or deputy governor, without counsellors and judges, inasmuch as these, having refused to govern the Province agreeably to the charter, had been declared no longer fit, in their opinion, to hold and exercise their several offices; which, therefore, they considered vacant. In addition to the general reasons offered, which arose from the very necessity of the case, as all authority and government ought to be founded on certain principles, which had the approbation of the people, the source of all just power; they urged the danger which might soon arise from having a military force, and no civil power competent to direct and control it. In June, the Continental Congress recommended, that representatives be chosen, as formerly, who should elect counsellors, according to the provisions of their charter; and that this body act in concert with the House, as a part of the legislature; and separately, as the executive part of government. In giving this advice, it was assumed, that the places of governor, deputy governor and counsellors were vacated.

Agreeably to the recommendation of the general Congress, as well as to their own views, which had been given in their address to that body.

on desiring its advice, when the representatives met, they proceeded to elect the same number of counsellors as had been appointed in years past, who were to have the powers given to that body in their charter, and also to exercise executive authority, in the absence of the governor. But a sufficient number to form a quorum were not present until the 27th of the month. The views of the Assembly on this subject will appear from the preamble to a resolve, which was passed the following day, in justification of their proceedings. "Whereas it is provided by the royal charter, that, when the governor and deputy governor of this province happen to die, be displaced, or be absent from the province, the council or assistants, or the major part of them, shall have full power and authority to do and execute all and every such acts, matters and things, which the said governor or deputy governor could lawfully do or exercise.—And whereas the late governor and deputy governor of the province have absented themselves and have refused to govern the province according to the charter: It is therefore resolved that, until the said governor or deputy governor shall be appointed to govern the province according to the charter, this House will consider the *constitutional* council of the province, or the major part of them, as governor of the province; and will acquiesce in whatever said council, or the major part of them, shall *constitutionally* do in said capacity."*

* Those counsellors, who immediately accepted and were present when the board was first formed, were Sever, Prescott, Lincoln, Gerrish, Fisher, Spooner, Foster, Taylor, Gill, Palmer, Holten, Otis, Winthrop, C. Cushing, Whitcomb.—S.

The legislative and executive departments of government, were thus established agreeably to the ancient charter, which still seemed to be acknowledged as the civil constitution of the province; and the consent and approbation of the people gave a sanction to the procedure. It was several months after this that the judicial courts were organized: and the attention, both of the legislature and of the people, was so occupied in providing for the general defence of the province, that no complaints were heard on account of this omission. The necessity for a more perfect constitution, however, was soon felt by the people of Massachusetts; and it will be seen, that efforts were early made to prepare one, although the perturbed state of society, which war occasioned, was not very favourable to such an undertaking.

Notwithstanding the previous measures of the Provincial Congress, it will be readily perceived, that the General Court had arduous and pressing duties to perform. To provide for the augmentation and continuance of the troops; to furnish arms and other military stores; to support the public credit, in a season of such uncommon expense—in a word, to call forth the resources of the province, in defence of the freedom and welfare of the people, demanded all the wisdom and zeal of this patriotic assembly. An emission of paper bills was ordered, on the credit of the province, amounting to 100,000*l.*; which had been previously recommended by the committee of safety. A tax of 40,000*l.* was voted; and the

Adams and J. Adams, soon after returned from Congress and took their seats at the Council Board

Treasurer,* whose appointment was then confirmed by the General Court, though he had already acted in that capacity by request of the Provincial Congress, obtained a large amount by loans of patriotic individuals. It was but a short time after, that the Continental Congress called for 3,000,000 dollars, 500,000, of which was raised by Massachusetts.

The public expenses were already great, and still constantly increasing, while the former usual sources of wealth were denied the people. A great portion of the yeomanry from all parts of the province had been in military service for about three months, thus lessening the common amount of productive labour in agriculture. In some parts of the Province, particularly in Maine, much distress prevailed among the people, and appropriations were made, from the public treasury, for their relief.† On the request of general Washington, who wished to annoy or check the British in their probable plan of an attack, at this period, the towns were again required to furnish powder for the use of the American army; and considerable quantities were accordingly collected. Several fortifications were also built, at this time, and soon after, in Charlestown, Cambridge and Roxbury.

The powers of the General Congress were not such as to authorize them to compel a compliance with their requisitions. No such full power had yet been given them; they could only recommend

* Henry Gardner, Esq.

† 1200*l.*, were granted for their relief in the month of August.

and advise; but their advice was generally followed with great promptitude. They recommended to the several colonies to raise men and money, to collect provisions and provide fire arms and munitions of war; and in most cases these were fully complied with. They requested the legislature of Massachusetts to call out such number of men as general Washington might need, and to furnish all articles of food and clothing, as well as military stores, for the army at Cambridge. In August, the troops there assembled were organized into a continental army, and received into the pay of the whole united colonies. Many of the Massachusetts men had enlisted for eight months, and their term of service would not expire till the first of December. About three months of their service therefore were to be compensated by Massachusetts alone.

At the request of general Washington, the legislature of Massachusetts provided whale boats and experienced seamen to man them, for the purpose of bringing flour from Cape Cod for the use of the troops; which had been forwarded to that place from the southern parts of the continent. These were very useful; and large quantities were conveyed to the army at Cambridge, by way of the southern waters of Boston bay; but at great risk and danger. It was landed at Weymouth and Braintree; and conveyed thence by land.* Provision was made at the expense of the colony for erecting two powder mills, one at Stoughton, and one at Andover; and establishments encouraged

* Captain Davis of Boston and captain Drew of Duxbury were the commanders of this little fleet, which was of great use to the American army.

for the manufacture of fire arms and cannon in several places. The people were also instructed as to the method of procuring saltpetre, and required to furnish it at an early period. Wood and hay were likewise provided for the whole army at Cambridge and vicinity, by the people of Massachusetts, on a requisition of the General Assembly. The people on the islands and sea coasts, including the district of Maine, were all prohibited from selling provisions or fuel to the British army in Boston. The militia from Braintree, and a detachment of men from Roxbury, landed on several islands in the harbour of Boston, in the night season, and took off the stock and hay to prevent them from falling into the hands of the English troops. Individual citizens of enterprize were permitted to fit out privateers; private voyages had been interdicted, except in cases of a special license; and several ships were purchased and sent to sea by the colony, to intercept the British transports on their voyage to Boston harbour. These were very successful; and contributed much to the welfare and strength of the American army; and to a supply for the people of many necessary articles of living.

The inhabitants of Boston, who remained in the town, were exposed to much suffering and gross insults. Provisions of all kinds were extremely scarce; and the little to be purchased was at very high prices. Numbers left the town occasionally, during the summer and autumn, as they could obtain permission of general Gage; but often they were denied the favour; and when granted, it was with the sacrifice of a large part of their moveable property. Through the influence of some ma-

lignant adherents to the British government, the people were treated with great severity. The small pox also raged among them; and added greatly to their distresses. Some of them, when they had this alarming disease, left Boston, and went into the country and in the vicinity of the American troops, who were thus exposed to its dreadful ravages. It was believed by many of the citizens, that there was a design in the British general to communicate this destructive malady to the Americans: but there was no direct proof of the fact.* The troops at Cambridge and Roxbury were justly alarmed by this disorder; and many made this an excuse for returning to their homes. The greatest vigilance and attention were necessary both in the commander in chief and in the House of Representatives to prevent the dispersion of a large part of the army, and to engage others to enlist, in the place of those who left it.

With all these difficulties, however, general Washington was able, by the prompt assistance of the Assembly of Massachusetts, to keep up something like a respectable army as to numbers, though greatly deficient in cannon, and in many military articles, which would justify any offensive operations. Several forts were also erected during the season, in advance of head quarters at Cambridge, for the purpose of preventing the enemy from executing any plan of attack on the provincial troops, as well as of annoying the enemy in Boston.†

* In one of general Washington's letters to Congress, at this time, he refers to several circumstances and reports which rendered such an intention in the British something more than conjecture.

† In a letter to Congress. Nov. 1775, he says, "The trouble

Prospect Hill, lying north west from Boston, about two miles, but a less distance from Bunker's hill, then possessed by the British troops, was early fortified. Soon after, works were erected on Winter hill, situated north from the former place, and at a short distance ; and easterly of the latter place, towards Mystic river, redoubts were thrown up, to prevent the passage of the enemy up that river, in their rear, or their landing opposite the fort. On a less elevated eminence, called Ploughed hill, but much in advance of Prospect hill, and within about half a mile, on a direct line of Bunker's hill, a breast-work was thrown up, while the

I have in the arrangement of the army is really inconceivable. Many of the officers sent in their names to serve in expectation of promotion, and some who had declined have sent in their names to serve. So great has been the confusion arising from these and other perplexing circumstances, that I found it absolutely impossible to fix this interesting business exactly on the plan agreed in conference with the committee of Congress, though I have kept to the spirit, as near as the nature and necessity of the case would admit. The difficulty with the soldiers is as great, and indeed more so, if possible, than with the officers. They will not enlist until they know their Colonel, Lieutenant Colonel, Major, Captain, &c. You can much more easily judge than I can express, the anxiety of mind I labour under on this occasion ; especially at this time, when we may expect that the enemy will begin to act on the arrival of their reinforcements. I have other distresses of a very alarming nature. The arms of our soldiers are so exceedingly bad, that I assure you, Sir, I cannot place a proper confidence in them ; and our powder is wasting fast, though the strictest care, attention and economy are paid to it." " I fear I shall be under the necessity of calling in the militia and minute men of the country to my assistance. I say, I *fear* it ; because, by what I can learn from the officers in the army belonging to this colony, it will be next to an impossibility to keep them under any degree of discipline, and that it will be very difficult to prevail on them to remain a moment longer than they choose themselves."

enemy were constantly cannonading the provincial troops. But they completed the work, and afterwards extended the fortifications, so as to render the spot perfectly secure. At a later period, and sometime in November, general Putnam was ordered to erect fortifications on Cobble hill,* about the same distance from the British works on Charlestown heights, as Ploughed hill, but nearer to the town of Boston. When the Americans were perceived to be fortifying this place, the British ships of war, then lying in Charles river, between West Boston and Charlestown, as well as the forts on Bunker hill, opened a severe fire upon them, but without checking the enterprize. The fort was soon built. Putnam bestowed much time and labour upon it; and it was called "Putnam's impregnable fortress."

Soon after, strong fortifications were erected on Lechmere's point, a little south of Cobble hill, and near the margin of Charles river, where it was considered the British would probably land, if they meditated an attack on the American army. They had indeed, a short time before, landed 300 troops at this place, but they were soon driven back to their boats by the Americans. These also were planned and completed in an able and judicious manner; and the remains are now (1824) as little injured, as to the form and appearances of the ground, as any works erected by the American troops in the vicinity of Boston. The high land in Roxbury was also fortified, and made a place of considerable strength; and some works were thrown up on the peninsula which connects

* The Asylum for the Insane is now standing on the spot

that town with Boston, near the boundary line of these places, being the advanced post of the American troops, stationed there under general Ward.

In addition to the troops furnished by Massachusetts to the Continental army at this time, which amounted to about 9,000, many towns in the province bordering on the sea, and exposed to visits from the British ships, were required to guard their respective harbours, for the safety of the people. At Plymouth, a company was ordered out for the defence of that town, and of the *Gurnet*, so called, a promontory at the northern entrance of the harbour. At Weymouth, Hingham and Braintree, towns lying on the southerly part of the bay of Boston, four companies were constantly in service for many months, to prevent depredations threatened by the British whose fleet was in the harbour. The inhabitants of Marblehead, Salem, and Gloucester, by direction of the Provincial legislature of Massachusetts, and at their own urgent request, had a portion of the citizens employed in military service from June 1775 to April 1776. In several instances, requests were made from these towns for some companies of the Continental army at Cambridge, for protection; but general Washington did not think it consistent with his duty to weaken the main army by granting the request. Some works were thrown up at Cape Ann, however, at the expense of the colony.

In September, the legislative assembly were so desirous of the frequent and early advice of the Continental Congress, that they requested that body to hold its meetings in the vicinity of Cam-

bridge, where the American army was then stationed. General Washington, in his great prudence and from regard to the civil power, was unwilling to engage in any hazardous enterprize without the immediate consent and knowledge of Congress; and he was frequently calling for aid and advice from the general assembly of Massachusetts. New troops were also to be raised; and the army provided with clothes, provisions and money. Many injudicious people were impatient for Washington to make an attack upon the British in Boston. The legislative assembly of Massachusetts was unwilling to take all the responsibility attending the crisis; and it was suggested to the Congress at Philadelphia, through their members, that it might be of great advantage to the cause, if it could hold its meetings near the seat of war.

This request was not complied with; but a committee was sent from the General Congress to Cambridge to confer with the commander in chief, and with the Provincial Assembly of Massachusetts, which were desirous of advice, and believed also, that the other colonies should be called upon to contribute more equally to the support of the Continental army. The celebrated Dr. Franklin was one of this committee. And an arrangement was made, by which Congress should provide for raising an army of 24,000, for the next year; and for calling upon the several colonies for their respective portions of the amount necessary to meet the expenses; instead of requiring each province to raise its own quota of troops. These men were not raised without much difficulty and delay: and the militia of Massachusetts were

called out in the mean time to recruit the continental army under general Washington. The provincial troops assembled at Cambridge in the spring and summer of 1775, were engaged only for a few months ; and none for a longer term than to the last of December. It was necessary therefore to provide for raising more troops by the first of January 1776.

The assembly of Massachusetts appointed a committee* to confer with the members of the Continental Congress and the commander in chief ; and the governors of Connecticut and Rhode Island, and the president of New Hampshire, were also present at the convention. During this visit of Franklin at Cambridge on public business, the legislature of Massachusetts ordered payment to be made him for his faithful services to the interests of the province, while their agent for several years in England, which amounted to about 800*l.* sterling. A large portion of this sum he immediately appropriated for the relief of those unfortunate persons who had suffered at the battles of Lexington and Charlestown. The constitutional society, and some individuals in England also contributed to their support.

Specie, as the common medium of business, disappeared at this period ; and paper bills, both provincial and continental, came into general circulation. Congress said, " they had very little money, to support and pay an army ; that there was no regular government to levy and collect taxes ; that they could not borrow of any nation, and that they had no other resource but the natural value

* Bowdoin, Sever, J. Otis and W. Spooner

and worth of this fertile country—*That on the credit of such a bank*, they had emitted bills, and the faith of the continent was pledged for their redemption.”

The legislature of Massachusetts, as well as the general officers of the American army, addressed both the people and the soldiers then in the camp at Cambridge, urging them to engage in the military service. “Happy will be the man,” they say, “who shall be able to boast, that he was one of those, who assisted in this arduous but noble work! In serenity shall he pass his future days; and when satisfied with life, he will have the proud satisfaction of bequeathing the inestimable patrimony to his grateful children.” Washington also addressed the country in the following style. “We have taken up arms in defence of our liberty, our property, our wives and our children; and we are determined to preserve them, or die. We look forward to the day, we hope not far remote, when the inhabitants of America, will have but one sentiment, and the full enjoyment of the blessings of a free government.” Committees were appointed in each county in the province, and the field officers of militia were required to forward the enlistment of men for the continental service for the coming year, by the time for which those then engaged should expire.

Although Congress were resolved on vigorous measures of defence, they had not yet determined to separate from the parent country. The following is part of their address to the king, in August 1775.

“Attached to your majesty’s person, family and government, with all the devotion which principle

and affection can inspire, connected with Great Britain by the strongest ties which can unite societies and deploring every event which tends in any degree to weaken them—we solemnly assure your majesty, that we not only most ardently desire the former harmony between her and these colonies may be restored; but that a concord may be established between them, upon so firm a basis as to perpetuate its blessings uninterrupted by any future dissensions, to succeeding generations in both countries; and to transmit your majesty's name to posterity, adorned with that signal and lasting glory, which has attended the memory of those illustrious personages whose virtues and abilities have extricated states from dangerous convulsions, and, by securing happiness to others, have erected the most noble and durable monuments to their own fame. We beg further to assure your majesty, that, notwithstanding the sufferings of your loyal colonists, during the course of the present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation, as might in any manner be inconsistent with her dignity or her welfare. These, related as we are to her, honour and duty as well as inclination induce us to support and advance: and the apprehensions, which now oppress our hearts with unspeakable grief, being once removed, your majesty will find your faithful subjects on this continent ready and willing at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of your majesty, and of our parent country."

General Gage continued to treat the people of Boston, and particularly some persons of distinc-

tion,* who were favourable to the liberties of the

* James Lovell, Esq. was among them. He was kept in close confinement till March following, and then carried to Halifax.

Letter of James Lovell to general Washington, dated

BOSTON, PROVOST'S PRISON, NOV. 19, 1775.

"May it please your Excellency, I wish, at this time, to waive the expression of my veneration of your character, in a still lively hope, that Providence will bless me with an opportunity of attempting it by the united sincere language of my eyes and lips, though even that too must prove inadequate.

"Personally a stranger to you, my sufferings have yet affected your benevolent mind, and your exertions in my favour have made so deep an impression upon my grateful heart, as will remain to the period of my latest breath.

"Your excellency is already informed that the powers of the military government established in this town have been wantonly and cruelly exercised against me from the 29th of June last. I have, in vain, repeatedly solicited to be brought to some kind of trial for my pretended crimes. In answer to a petition of that sort presented on the 16th of October, I am directed by captain Belfour, aid-de-camp to general Howe, to seek the release of colonel Skeene and his son, as the sole means of my own enlargement.

"This proposition appears to me extremely disgraceful to the party from which it comes, and a compliance with it pregnant with dangerous consequences to my fellow citizens. But while my own spirit prompts me to reject it directly with the keenest disdain, the importunity of my distressed wife and the advice of some whom I esteem have checked me down to a consent to give your excellency this information. I have the fullest confidence in your wisdom; and I shall be perfectly resigned to your determination, whatever it may be. I must not, however, omit to say, that should you condescend to stigmatize this proceeding of my enemies by letter, the correction might work some change in favour of myself, or at least of my family, which must, I think, perish through want of fuel and provisions in the approaching winter, if they continue to be deprived of my assistance.

I have the honour to be, &c.

JAMES LOVELL."

After this, general Washington requested the exchange of Mr. Lovell, but without effect.

country, with great cruelty. Several were confined in the common jail, in company with the most vile and abandoned characters. General Washington wrote him on the subject, and assured him, that he should feel himself obliged to subject some prisoners in his custody to similar treatment, unless the American citizens in confinement in Boston should be released. Gage was not easily dissuaded from this dishonourable conduct: but finding that Washington was decided in his purpose, after some time, he treated his prisoners with less severity.*

* *Extract from a letter of general Washington to governor Gage, dated head-quarters,*

CAMBRIDGE, AUGUST 11, 1775.

“I understand that the officers engaged in the cause of liberty and their country, who by the fortune of war have fallen into your hands, have been thrown indiscriminately, into a common jail, appropriated for felons; that no consideration has been had for those of the most respectable rank, when languishing with wounds and sickness; and that some of them have been amputated in this situation.

Let your opinion, sir, of the principle which actuates them be what it may, they suppose they act from the noblest of all principles, a love of freedom and their country. But political opinions, I conceive, are foreign to this point. The obligations arising from humanity and claims of rank are universally binding and extensive, except in case of *retaliation*. These, I should have hoped, would have dictated a more tender treatment of those individuals, whom chance or war had put in your power. Nor can I forbear suggesting its fatal tendency, to render that unhappy breach, which you and those ministers under whom you act, have repeatedly declared you wish to see forever closed.

My duty now makes it necessary to apprise you, that for the future I shall regulate my conduct towards those gentlemen, who are or may be in our possession, exactly by the rule you shall observe towards those of ours now in your custody.

If severity and hardship mark the line of your conduct.

In October, general Gage embarked for England; and sir William Howe succeeded to the

painful as it will be to me, your prisoners will feel its effects; but if kindness and humanity are shewn to ours, I shall, with pleasure, consider those in our hands only as unfortunate, and they shall receive from me that treatment to which the unfortunate are ever entitled.

I beg to be favoured with an answer as soon as possible; and am, sir, your very humble servant,

GEORGE WASHINGTON.

HIS EXCELLENCY GENERAL GAGE."

The following is the answer of general Gage,

BOSTON, AUGUST 13.

"Sir,—To the glory of civilized nations, humanity and war have ever been compatible: and compassion to the subdued is come almost a general system.

Britons, ever preeminent in mercy, have outgone common examples, and overlooked the criminal in the captive. Upon these principles, your prisoners, whose lives by the laws of the land are destined to the *cord*, have hitherto been treated with care and kindness, and more comfortably lodged than the king's troops in the hospitals; indiscriminately, it is true; for I acknowledge no rank that is not derived from the king.

My intelligence from your army would justify severe re-crimination. I understand there are of the king's faithful subjects, taken sometime since by the *rebels*, labouring like negro slaves to gain their daily subsistence, or reduced to the wretched alternative to perish by famine, or take arms against their king. Those who have made the treatment of the prisoners in my hands, or of your other friends in Boston a pretence for such measures, found barbarity upon falsehood.

I would willingly hope, sir, that the sentiments of liberality, which I have always believed you to possess, will be exerted to correct these misdoings. Be temperate in political discussion, give free operation to truth, and punish those who deceive and misrepresent; and not only the effects, but the causes of this unhappy conflict will be removed.

Should those, under whose usurped authority you act, controul such a disposition and dare to call severity retaliation, to God who knows all hearts be the appeal for the dreadful consequences. I trust, that British soldiers, asserting the

chief command of the British troops in Boston. In his conduct towards the citizens of Boston, he was as arbitrary and severe as his prede-

rights of the state, and the laws of the constitution, will meet all events with becoming fortitude. They will court victory with the spirit their cause inspires; and from the same motive, will find the patience of martyrs under misfortune.

'Till I read your insinuations in regard to ministers, I conceived that I had acted under the king, whose wishes, it is true, as well as those of his ministers, and of every honest man, have been to see this unhappy breach forever closed: but unfortunately for both countries, those who long since projected the present crisis, and influence the councils of America, have views very distant from accommodation.

I am, sir, your most obedient humble servant,

THOMAS GAGE.

GEORGE WASHINGTON, Esq."

On the 19th general Washington addressed a second note to general Gage, which follows—

HEAD QUARTERS, CAMBRIDGE, AUGUST 19th.

"Sir,—I addressed you on the 11th instant, in terms which gave the fairest scope for the exercise of that humanity and politeness, which were *supposed* to form a part of your character. I remonstrated against the unworthy treatment shewn to the officers and citizens of America, whom the fortune of war, chance or a mistaken confidence, had thrown into your hands.

Whether British or American mercy, fortitude and patience are the most preeminent; whether our virtuous citizens, whom the hand of *tyranny* has forced into arms, to defend their wives, children and property, or the mercenary instruments of *lawless* domination, avarice and revenge, best deserve the appellation of *rebels*, and the punishment of the *cord*, which your affected clemency has forborne to inflict; whether the authority under which I act is usurped, or founded upon the genuine principles of liberty, were altogether foreign to the subject. I purposely avoided all political disquisition; nor shall I now avail myself of those advantages, which the sacred cause of my country, of liberty and human nature give me over you; much less shall I stoop to retort an invective.

cessor had been. He refused them the liberty of leaving Boston; and obliged them to form into companies and to procure arms, for the purpose of

tive. But the intelligence you say you have received from our army requires a reply. I have taken time to make a short inquiry, and find it has not the least foundation in truth. Not only your officers and soldiers have been treated with a tenderness due to fellow citizens and brethren, but even those *execrable parricides*, whose councils and aid have deluged their country with blood, have been protected from the fury of a justly enraged people. You advise me to give free operation to truth, to punish misrepresentation and falsehood. If experience stamps value upon council, yours must have a weight which few can claim. You best can tell how far the convulsion, which has brought such ruin upon both countries and shaken the mighty empire of Britain to its foundations, may be traced to these malignant causes.

You affect, sir, to despise all rank not derived from the same source with your own. I cannot conceive one more honourable than that which flows from the uncorrupted choice of a brave and free people, the purest source and *original fountain* of all power. Far from making it a plea for cruelty, a mind of true magnanimity and enlarged views would comprehend and respect it.

What may have been the ministerial views, which have precipitated the present crisis, Lexington, Concord and Charlestown can best declare. May that God, to whom you there appealed, judge between America and you. Under his providence, those who influence the councils of America and all the other inhabitants of the united colonies, at the hazard of their lives are determined to hand down to posterity those just and invaluable privileges which they received from their ancestors.

I shall now, sir, close my correspondence with you, perhaps forever. If your officers, our prisoners, receive a treatment from me different from what I wished to shew them, they and you will remember the *occasion* of it.

I am, sir, your very humble servant.

GEORGE WASHINGTON."

assisting the British in opposing the American troops, if they should make an attack on Boston.*

* *Letter of general Washington to general How.*

CAMBRIDGE, DECEMBER 18th, 1775.

“Sir,—We have just been informed of a circumstance, which, were it not so well authenticated, I should scarcely think credible. It is, that colonel Allen, who, with his small party, was defeated and taken prisoner near Montreal, has been treated without regard to decency, humanity or the rules of war. That he has been thrown into irons and suffers all the hardships inflicted upon common felons. I think it my duty to demand, and do expect from you an *eclaircissement* on this subject. At the same time, I flatter myself, from the character which Mr. How bears, as a man of honour, a gentleman and a soldier, that my demand will meet with his approbation. I must take the liberty also of informing you, that I shall consider your silence as a confirmation of the truth of the report; and further assuring you, that, whatever treatment colonel Allen receives, whatever fate he undergoes, such exactly shall be the treatment and fate of brigadier general Prescott, now in our hands.

The law of retaliation is not only justifiable in the sight of God and man, but absolutely a duty, which, in our present circumstances, we owe to our relations, friends and fellow citizens.

Permit me to add, sir, that we have all the highest regard for your great personal qualities and attainments, and that the Americans in general esteem it not as the least of their misfortunes, that the name of *How*, a name so dear to them, should appear at the head of the catalogue of the instruments employed by a wicked ministry for their destruction.

With due respect, &c.

GEORGE WASHINGTON.”

The following is the answer of general How, to the foregoing.

BOSTON, DECEMBER 21, 1775.

“Sir,—In answer to your letter of the 18th instant, I am to acquaint you, that my command does not extend to Canada, nor, having received no accounts wherein the name of Allen is mentioned, can I give you the smallest satisfaction on the

It was considered an object of importance, by the legislature of Massachusetts, as well as of New York and Connecticut, that a treaty should be attempted with the Mohawk and the other Six nations of Indians. An agent for this purpose was appointed in Massachusetts, Joseph Hawley, Esq. who was to join with those designated from the other two colonies. They met at Albany, and succeeded in conciliating the friendship of many of these savages of the wilderness, who, if united to the British, would be able to do much injury to the Americans in the western settlements. Some of them continued friendly. But many afterwards proved treacherous; and, instigated by the British generals, and by individuals disaffected to the cause of liberty, they often fell upon our defenceless borders and murdered the people in cold blood.

In the month of August, a large American ship, with a valuable cargo, arrived off the harbour of Gloucester, and several of the inhabitants went to her in boats, to assist in bringing her into the port, as a British frigate was known to be in the bay, at no great distance; and it was apprehended she might take possession of the merchant vessel and carry her to Boston. On perceiving the Ameri-

subject of your letter. But trusting major general Carleton's conduct will never incur censure upon any occasion, I am to conclude, in the instance of your inquiry, that he has not forfeited his past pretensions to decency and humanity.

It is with regret, considering the character you have always maintained among your friends, as a gentleman of the strictest honour and delicacy, that I find cause to resent a sentence in the conclusion of your letter, big with invective against my superiors and insulting to myself, which should obstruct any further intercourse between us.

I am, sir, with due respect, &c.

WILLIAM HOW

can ship going for the harbour of Gloucester, the captain of the frigate sent his boats with thirty men and took her. But the merchant ship was grounded near the entrance of the port, where the frigate could not safely approach. The inhabitants made a vigorous attack upon her, and soon obliged the enemy to surrender. The vessel was then conducted safely into port, and the British marines lodged in Ipswich jail. The captain of the British frigate was greatly mortified and enraged; and bombarded the town of Gloucester for several hours, but without effecting any material injury to the place.

Although no affair of great moment took place between the American and British troops during the autumn of 1775, constant vigilance was necessary in each; and several slight skirmishes happened near the lines and in the vicinity of the two armies. Soon after the works were erected at Ploughed hill, a small advanced party of the provincials were attacked by the British near Charles-town neck; several of the enemy were killed and taken; and one of the Americans was shot by a cannon ball from Bunker's hill, from which place the British fired on the occasion. Some time in the month of August, a party from the Roxbury division also advanced to the extreme southern fort of the enemy on the peninsula leading from Boston to the former place, drove the guard within the lines and burnt their guard house.* When the American troops were discovered, a heavy fire commenced against them; but none were killed or wounded. About the same period, some armed men went down the harbour of Boston, under

* Formerly the house of Mr. Brown.

command of major, afterwards colonel, Vose ; who cut and carried off all the barley and grain at Nantasket, amounting to upwards of a thousand bushels. They proceeded to the lighthouse near Nantasket, placed at the entrance of Boston harbour, and destroyed the lanterns. Those of Plymouth and Cape Ann were taken away or destroyed, about the same time, in pursuance of orders from the legislature of Massachusetts. The British attempted to repair the Boston lighthouse and lanterns soon after ; when a party of the Americans, of about two hundred, from the army at Roxbury, under major Tupper, were ordered to dispossess them. They went down the harbour in light boats, in the evening ; and after a short resistance from the men employed in making repairs, they overpowered them and brought them to the camp at Roxbury. Several of the British were wounded and killed in this affair, before the party surrendered.

In the month of October, two floating batteries were prepared at Cambridge, and dropped down Charles river, whence they fired on the town of Boston ; which occasioned great alarm, and injured several buildings. Liberty tree, so called, growing in the southerly part of Boston, was cut down, about this period, by the British, or some of the tory inhabitants, with great parade and exultation. But it was observed by some of the patriotic citizens, “ that the American tree of liberty was too strongly rooted in our soil to be destroyed by all the power of Great Britain.”

A British frigate and several transports with troops, were dispatched from Boston, in the month of October, to compel the inhabitants of Falmouth,

in Maine,* to furnish spars for the fleet at the former place, and other articles which could be obtained in that quarter, if desired by the British; with directions, on a refusal, to destroy the town. The captain of the frigate, on arriving in that harbour, sent word to the inhabitants to furnish the articles, and to submit quietly to all his requisitions, or to expect an immediate cannonade from his ship, and the landing of marines from the transports, for the threatened work of destruction. A meeting of the people was called forthwith, who requested leave to remove their families and furniture, and desired the suspension of the intended attack until the following morning. They resolved not to comply with the requisition, and only desired a few hours to save their families from ruin. The haughty Briton so far yielded, as to allow them until the next morning to retire from the town. A heavy bombardment immediately after took place, and almost the whole of this flourishing seaport was destroyed by the British troops. About 140 dwelling houses and 250 stores were burnt; besides much wanton destruction of other property.

About this time, Bristol, in the State of Rhode Island, but formerly within the colony of Plymouth, was invaded by a British naval force from Newport, consisting of three large ships of war, and several tenders and transports. Some of the principal citizens were ordered to come on board the commodore's ship; but they declined, and a heavy cannonade immediately ensued against the town. The meeting house, court house, and many dwell-

* Since called Portland

ing houses were much injured. The people were in great jeopardy and attempted to make some terms with the British. Sheep and cattle were offered, which were supposed to be their object; these were accepted, and other articles of provisions taken away by force. The conduct of the British commodore was severely censured; and it was certainly a deviation from that of an honourable enemy.

The inhabitants of Boston, who had left the town, were authorised by the legislature to meet at Watertown, in September of this year, and chose a representative in the place of S. Adams,* who was then attending the continental Congress at Philadelphia. The other delegates from Massachusetts this year, were John Hancock, John Adams, and Robert T. Paine. Congress was in session the greater part of the year, after April. The last of July they adjourned for a few weeks, but assembled again the first of September. Mr. Hancock was elected president of that patriotic and truly respectable assembly, in October, in the room of Peyton Randolph of Virginia, who died suddenly in Philadelphia, while attending on the public service.

The general congress provided for the establishment of a continental Post Office at this period, and placed Dr. Franklin at the head of the department. The plan was soon put into operation from Georgia to Maine, and greatly facilitated the early communication of important intelligence from one end of the colonies to the other.

The legislative assembly of Massachusetts,

* Mr. Adams was chosen Secretary of Massachusetts in July, and Perez Morton deputy Secretary.

which met and organized on the 19th of July, had various important duties to perform, and many serious difficulties to meet, in establishing civil authority through the Province, and drawing forth its resources for the protection of the country. They had to provide for the regular administration of the laws, for paying a large body of troops, who were in the service of the colony nearly four months, previously to the day they were taken into the pay of the continent. New recruits were to be collected in a few months, and clothing and fire arms would be necessary for immediate use. The persons selected for the Executive Council were justly entitled to the confidence of their fellow citizens. They were known to be patriotic, intelligent, firm and prudent. Great harmony subsisted between the Council and the House of Representatives. One instance only is mentioned of the contrary. The Council supposed they had the sole right to appoint to civil and military office; but the House claimed a voice in the selection. The Council yielded to the wishes of the Representatives, "for the sake of peace;" and it was possible, that, in some cases, the members of the House had a knowledge of characters, which the Council did not possess. But it clearly belonged to the executive part of government to make the appointment of civil and judicial officers. The military officers were at this time generally designated by a committee of the Assembly, though the council signed their commissions. Afterward the officers of the army were appointed by the commander in chief. All the commissions of persons who had been appointed by the Governor and former council, were by law declared to be

vacated and null. New judges of courts of common pleas and justices of the peace were now appointed ; the oath formerly taken by public officers was dispensed with, and another provided and required, which expressed allegiance only to the existing authority of the Province. Judges were appointed for the Superior Court of Judicature in November, being John Adams, William Cushing, N. P. Sargent, William Reed, and Robert T. Paine. Sargent, Reed and Paine declined ; and Jedidiah Foster and James Sullivan, were appointed in their stead, a few months after.

Vessels were sent during the autumn to the West Indies by individual adventurers, with the encouragement of the legislature, for the purpose of obtaining a supply of gun-powder. The American army was long deficient in this necessary article, to a most alarming degree. It was not to be obtained to any large amount in any part of the United Colonies. The people were prohibited by the General Court, from firing at birds, or other game, or at marks, and for sport, under a heavy penalty. As yet, the plan projected sometime before of having powder mills, had not been completed. The object was not relinquished ; but it required time to obtain the desired fruits of their labours.

The General Assembly of Massachusetts applied to the Continental Congress, in October, for a reimbursement of a part of the great expenses incurred by the province for the common welfare, after the battle of Lexington. The colony had paid 10,000*l.* for provisions and necessary military articles for its troops, during the period which elapsed from April 19th, to the first of August. The wages due to the Massachusetts troops for

the same period, being from 9,000 to 12,000 the greater part of that time, amounted to upwards of 65,000*l*. Their clothing, to 16,000*l*; and one hundred and seventy barrels of powder had been purchased and distributed through the towns on the sea coast exposed to the enemy, and who had requested the means of self defence. The colony had 2,000 men in their service, the greater part of the season, at different stations on the Atlantic shores, as the people were constantly exposed to plunder, and it was wished to prevent the British from collecting supplies for the army in Boston. A large amount was advanced for these purposes: and the public treasury of the colony was also frequently drawn upon, to supply the wants of the unfortunate inhabitants of Boston, who were obliged to leave their homes and all their property, and to depend upon the contributions of the country for immediate support. Their services and zeal in the cause of liberty were justly appreciated; and their distressed condition deeply commiserated. The Continental Congress advanced to Massachusetts, at this time, the sum of 133,000*l*.

CHAPTER III.

Views of the Colonies September 1775 . . . Expedition to Quebec by way of Kennebec . . . Unsuccessful . . . Armed Vessels . . . British ships captured . . . Captain Manly . . . Treachery . . . Church . . . Militia called out . . . Colonel Knox brings cannon from Tyconderoga . . . Resolve of Representatives justifying a resort to arms . . . Meditated attack on Boston . . . Dorchester heights fortified . . . Conduct of Washington approved by Congress . . . Militia organized . . . Nantucket . . . Suspension of civil suits . . . Refugees . . . Regiment raised for Quebec.

ALTHOUGH the people of Massachusetts and of the other colonies had now become exasperated by the arbitrary plans of the British ministry, and the resort to force, to carry their plans of oppression into execution; and although they were determined to defend, to the utmost, the constitutional liberties of the country, they had not yet given up all hope of reconciliation with the parent state: They had not yet absolutely resolved upon Independence. They had some belief that administration would retract of its despotic purposes of coercion; that public opinion in England would be in their favour; and that the determination already manifested to defend themselves by force, would induce the British government to change its infatuated councils, and to listen to the claims of justice and humanity. It was not their purpose to yield, or to relax in their efforts; but they were still willing to supplicate for redress, and to desist from all opposition upon sufficient assurance of

the restoration of their ancient charter rights. They were not desirous of separation; nor could they but foresee the possible and not improbable failure of success in their resistance, and anticipate the punishment which awaits defeat in a civil contest. They had indeed, resolved, deliberately resolved, never to abandon their liberties; but they were not so desirous of independence, as to refuse all offers of reconciliation, if consistent with the enjoyment of the privileges which they claimed as their birth-right. Public addresses and resolutions both of the General Assembly of Massachusetts of the Continental Congress fully justify these remarks. They still professed to be acting on the defensive, and called themselves subjects of the crown of Great Britain. Had the plan of Pitt, and other friends of civil liberty in Parliament been adopted, of recalling the ministerial army, and repealing the late arbitrary laws, the colonies would not have urged a separation.—But the conduct of the British government gave little hope of a reunion, indeed, upon conditions compatible with the liberties of America. It seemed to have been the opinion of the ministry for several years, that the people in the colonies were subjects of the British Empire, for the purposes of obedience, and of submission under any burdens it might impose; but not entitled to all the rights and privileges of Englishmen. The colonists were too wise and too much attached to civil freedom to admit, that there existed a right to govern, without the consent of the people by their representatives, and according to the principles of the constitution. It was true, that many eminent statesmen in England, were opposed to the claims set up by administration of an

absolute authority over the Americans, without their being represented in parliament; and who contended that the colonial legislatures had power to a great extent, for all the purposes of self government, so their laws were not repugnant to the constitution and laws of Great Britain. But men of such just sentiments were comparatively few in the parent state; and their voice was scarcely heard in the councils of the nation. The men then in power, and in favour with the king, were resolved that the colonies should submit "in all cases whatever," to the requisitions and laws of the British parliament.* They had not indeed expected such a formidable opposition to their measures as appeared; for they supposed the colonies without resources for a serious resistance to the government; and they had been deceived by the representation, that it was only a *few* ambitious men who were opposed to the conduct of administration.

The affair at Concord, and still more, the desperate resolution manifested by the provincials at Charlestown to resist force by force; and the formation of a continental army at Cambridge; must have convinced the British administration, that the Americans would not yield, while they had ability to resist; and that an immense physical force was necessary to subdue them. The measures of the ministers were now, more than ever, condemned by the friends of constitutional liberty. And a few, who had not expected so much union among the colonists nor so much courage in opposition to go-

* A Petition from the General Congress of July 1775, presented to the king in September, he refused even to hear

vernment, were in favour of allowing some of the claims preferred by them. The ministry were not prepared to yield, in any part, the authority they had assumed over the people of America; and it was determined to augment their forces, in the hope that the colonies would be discouraged, and that some, under apprehensions of defeat and subjugation, would return to their allegiance to the parent state. Aware of this determination of the British cabinet, the colonies had no alternative presented to their choice, but servile submission, or resolute resistance.

An expedition was projected by the northern colonies in the summer of 1775, with the approbation of the Continental Congress, to invade Canada, in the expectation of meeting with the general support of the inhabitants of that province, of making an easy conquest of Montreal and Quebec, of securing the military stores in that quarter, and of guarding the settlements in the northwestern parts of New England from the ravages both of the English and Indians. This was considered an important object, at an early period. Soon after the affair at Lexington and Concord, when it was found the British would attempt to bring the colonies to submission by an armed force, the Provincial Congress of Massachusetts adopted measures to take possession of the forts on Lake Champlain, and to prevent the incursion of the British in that quarter. The people of Connecticut, of New York, and those on the New Hampshire grants, so called, (now Vermont) agreed in the importance of the measure; and united, with Arnold, Easton and Brown from Massachusetts, in an attack upon the British posts in that quarter. The

success which attended the enterprize has been already mentioned. At a later period, and some time in the month of August, the Continental Congress was impressed with a conviction of the policy of taking possession of Canada, or of sending a force to the lake sufficient to awe the British. General Schuyler was appointed commander in chief in that region; and the brave Montgomery was made second in command. Massachusetts furnished a number of troops for the department; and colonels Easton and major Brown from Berkshire county were among the chief officers. They had acquired a high reputation for military skill and bravery in the first expedition, in May; and it was not forfeited by any neglect or inattention, at a later season, when the American forces were increased and put under the command of the heroic Montgomery.* Fort Chamblee was taken by a detachment under major Brown, in October; and a large quantity of military stores was found in the place, which was a great acquisition to the American army. Soon after this, the fortress of St. John's was captured by Montgomery; and the city of Montreal also surrendered to his victorious arms. A committee of Congress was sent to inquire into the state of the northern army at this time; one of whom was R. T. Paine of Massachusetts.

Massachusetts assisted in this expedition against Canada, not only by furnishing a portion of the troops under Montgomery and Schuyler in September and October, on lake Champlain; but a

* Montgomery was really the chief in command; general Schuyler was sick the greater part of the campaign

party of 1200 men was sent from the camp at Cambridge in the month of September, by the way of Kennebec river, to co-operate with those already at Montreal, in an attack upon Quebec, the capital of the province. These men belonged chiefly to Massachusetts. Some, indeed, were from New Hampshire and some from Connecticut. Arnold of Rhode Island, lately appointed a general, who five months before, had been sent to lake Champlain by the Provincial Congress of Massachusetts, to act in concert with some troops from the county of Berkshire and from Connecticut, was selected to command them. They embarked at Newbury, and sailed up the Kennebec river, about fifty miles. Their baggage was conveyed in boats still higher on the river; when they forced their way through an untrodden wilderness one hundred and twenty miles farther, to the British settlements in the vicinity of St. Lawrence. About three hundred of the men returned from Kennebec, on account of the difficulty of the passage, and the scarcity of provisions. Nine hundred persevered, amidst severe sufferings and appalling obstacles. Montgomery had notice of this detachment from Cambridge, and pushed on to Quebec, with only a few troops, expecting more would soon follow, and hoping that the inhabitants of Quebec would not make a formidable resistance to the Americans, who went to them rather as friends than as enemies. He was too brave and too sanguine of success to suffer any delay, by such preparations as prudence might have dictated. Being joined by the party under Arnold, though the men were much fatigued, and the whole American force insufficient to justify an attack upon a place so

strongly fortified as Quebec, he hesitated not to make an assault upon the city. The attempt was unsuccessful. He fell soon after the attack began; Arnold also was wounded; and the Americans were obliged to retire from the siege as the only means of saving any part of the American troops. The only fault which could attach to the conduct of Montgomery in this unfortunate affair, was a degree of imprudence, in not waiting for a reinforcement and making more efficient preparations for the assault. He died gloriously in the cause of America, and her citizens will never forget to honour his memory with their warmest admiration. The troops from Massachusetts suffered severely in this defeat. A series of misfortunes followed in Canada; and in the spring following the British regained most of the places which had been taken from them by the colonial army.

The citizens of Massachusetts soon perceived the advantages which would probably arise in employing armed vessels on the coasts, to prevent the British in Boston from collecting provisions at any places accessible by them, and to capture the enemy's ships loaded with military articles. As the besieged army in Boston could not obtain provisions from the country by land, they were obliged to fit out small vessels, which committed depredations on the people in several towns on the coast. Transports were also frequently arriving from England with provisions, men and military stores. The General Court voted to build or purchase ten vessels, and appropriated 50,000*l*, for the purpose. Some enterprizing individuals also, with the consent of the civil authority of the province, fitted vessels, at their own charges, to

engage the enemy's ships. And in the following year, the Continental Congress ordered several frigates to be built for the service of the country. Some of the armed vessels belonging to Massachusetts were very successful in their first cruises. During the months of November and December, (1775) several large and valuable ships were captured within a short distance of the harbour of Boston: and some smaller vessels which had sailed from that port to collect articles of provision, were taken, as they were returning with the fruits of their depredations. Captain Manly, in a provincial brig, took three very valuable vessels bound into Boston harbour, in the course of a few weeks: one of which had a full cargo of ordnance, fire arms, and other military stores, of which the American troops were in great need: and one loaded with various kinds of provisions, which were at once acceptable to the provincials, and a severe loss to the British. This enterprising and patriotic naval hero, with some others who engaged in similar pursuits of almost equal intrepidity, rendered important service to the colony, and to the continent. During the residence of the British troops in Boston, these nautical adventurers were very vigilant, and captured a great number of vessels bound to that place, which occasioned much distress to the besieged army. In several instances they discovered uncommon spirit and courage; and, on meeting a vessel of equal force, were always victorious. Captain Manly was so much dreaded by the British, that an armed vessel of superior force was sent out from Boston to seize him. On coming out of the harbour of Plymouth, in January 1776,

he was watched and pursued by the British ship ; and he ran his vessel, ashore near the mouth of north river in Scituate, to avoid capture. The British fired upwards of 300 guns, after he was on shore ; and sent two boats filled with men to burn the American brig. But the crew and the people in the vicinity defended her. She was removed the next day, without receiving much injury ; and was soon fitted for useful service.

In October of this year, an act of treacherous intercourse was discovered, in Dr. Benjamin Church, who was a member of the General Court, one of the committee of safety, and who had long been esteemed as a most zealous friend of the liberties of America ; which excited much surprise and indignation. He was a representative from the town of Boston : and the treasonable conduct, of which he was accused, and finally convicted, was holding correspondence with a British officer in Boston, and communicating information by letters written in characters known only to each other, respecting the weakness of the American army and its deficiency in military stores. There was, indeed, no direct attempt or promise, on his part, to betray the army or to introduce spies into the American camp ; but the correspondence was altogether unjustifiable. The manner in which it was conducted afforded proof, that his views were friendly to the British ; and there was no doubt, that, had he not been detected, he would have proceeded to real acts of treason. A short time before his letter was intercepted, which gave evidence of his improper intercourse with the enemy, he had been into Boston, on pretence of some urgent family concerns ; and it was known that he

had a private interview with general Gage.* Dr. Church was arrested by order of general Washington, and kept in confinement for several weeks, until the General Court should again meet. After some time, the letter which had been intercepted, but which no one could interpret to whom it was first shown, was decyphered by the learned and reverend Dr. West of Dartmouth. A court of enquiry, instituted by general Washington, found him guilty of a criminal correspondence with the enemy; but inflicted no punishment upon him. When the assembly was in session, he was brought before the House of Representatives; was accused and convicted of improper conduct, inconsistent with the character both of a patriot and of a member of the House; and was thereupon deprived of his seat. He was kept in confinement for some time, but was afterwards released by advice of the Continental Congress: when he went to the enemy at Newport, and thence to some part of the West Indies.

The general Court of Massachusetts was in session the greater part of the year, after it was organized in July. There was an adjournment of a few weeks in September, and another for a short time in November. The Executive Council was sitting the whole season, with the intermission of a

* Soon after Lexington battle, when the committee of safety were sitting in Cambridge at the house of J. Hastings, Dr. Church said he was determined to go into Boston the next day, the president, Dr Warren, interrogated "are you serious? they will certainly hang you, if they catch you." Church replied, "I am serious; I am determined to go, let the consequence be what it may." He was to pretend to be after medicine for the wounded men. He went into Boston, accordingly; and visited general Gage, without restraint

very few days. General Washington, in his letters to the Continental Congress, bore testimony to their zeal and activity in complying with all his requests. Particularly, when calling for the militia of Massachusetts, as he had occasion to do several times in the course of December 1775, and January and February 1776, he said, he had many proofs of the patriotism and promptitude of the assembly, and of the alacrity of the people, in fulfilling his requisitions. On one occasion, general Lee accused the Council of want of promptness in furnishing some men which had been called for; but there appeared to be no reason for the charge. When the term for which the American troops had engaged was about to expire, in the month of December, most of which at this time belonged to Massachusetts, Connecticut, and New Hampshire, and little progress was made in recruiting for the ensuing year, general Washington applied to the civil authority of Massachusetts for 5000 of the militia; and the number was called in, at very short notice.* Afterwards, they were retained beyond the time for which they were first required, as a considerable number of men from New Hampshire had gone home, and the new recruits were but comparatively few. In the month of January, six other regiments of militia in Massachusetts were raised, to strengthen the army at Cambridge, under general Washington;

* The critical situation of the American army at this time, will appear, by an extract from a letter of general Washington to Congress. "It is not in the pages of history, perhaps, to furnish a case like this—To maintain a post for six months within musket shot of the enemy, without ammunition, and at the same time to disband an army and to recruit another, within that distance of 12,000 regular disciplined troops."

for he was at this time meditating an attack upon the British in Boston, and the regular troops for the year's service amounted to scarcely 9,000. These were enlisted for the term of three months; and without them he would have had little confidence either for offensive or defensive operations. The companies in the particular service of the colony, stationed at various places on the sea coast, were also marched to the camp at Cambridge or Roxbury, by the special request of the commander in chief. Fortifications were likewise built at Cape Ann, at the expense of the province. During a great part of the winter, Massachusetts had nearly 10,000 men in military service, either as a part of the continental army, or as provincial troops, to guard and protect the sea coast.

A small party of the Americans, under major Knowlton of Connecticut, passed from Cobble Hill, across the mill dam, to Charlestown, in the month of January, and attacked the advanced guard near the western base of Bunker Hill. They made prisoners of several of the British, and set fire to the guard house; and retired without receiving any injury from the enemy.

In January '76, the Council and House of Assembly of Massachusetts issued a proclamation, referring to the oppressive acts of the British parliament and ministry for several years before, and to the petitions and remonstrances of the people and representatives of that and of the other colonies; in which they observe, "that in every government there must exist a supreme and sovereign power, and that such power was justly vested in the great body of the people; that when rulers became oppressive, and attempted to

impose unconstitutional burdens upon the people, they had a right to resist, and the rulers forfeited all just claim to exercise authority : that they had adopted all peaceable measures in the constitution to obtain justice, which had been denied, and that a resort was at last had by the British government to compel submission by force, to unjust and oppressive measures, which they had felt to be their duty to themselves and to posterity to resist." "It was the will of Providence," they said," "for wise and righteous ends, that this colony should be singled out, by the enemies of America, as the first object, both of their envy and their revenge ; and after having been made the subject of several merciless and vindictive statutes, one of which was intended to subvert our constitution by charter, it is made the seat of war. No effectual resistance to the system of tyranny prepared for us could be made without either instant recourse to arms, or a temporary suspension of the ordinary powers of government. To the last of these evils, in hope of a speedy reconciliation with Great Britain upon equitable terms, the General Congress advised us to submit. And we have seen a large and populous colony subsisting, for more than a year, in great harmony and order, under such suspension of the powers of government." They then referred to the measures adopted to establish and maintain the civil authority, and urge the people to obedience, order, industry, patriotism, and piety. "An army, they said, was raised for the protection of the liberties of the country ; but civil power was essential to the maintenance of regulated freedom, and should always be paramount to all military force."

Colonel, afterwards General Knox, the principal officer in the artillery, belonging to Massachusetts, with the spirit and enterprise for which he was justly characterised through the whole war, engaged in an expedition of great labour and fatigue : but which was of important service to the American army. By order of general Washington* he went to Lake Champlain, in the month of November, and conveyed to Cambridge the cannon and other military articles and stores, to a large amount, which had been taken at Tyconderoga and Crown point, the summer before, by a small party of Americans under Arnold, Allen, Easton, and Brown. The two latter officers were from the county of Berkshire in Massachusetts, and the former was employed and commissioned by the

* *Instructions from general Washington, to H. Knox, Esq.*
Nov. 16, 1775.

HEAD QUARTERS, CAMBRIDGE.

“ You are immediately to examine into the state of the artillery of the army, and take an account of the cannon, mortars, shells, lead, and ammunition that are wanting. You will then proceed in the most expeditious manner to New-York ; and there apply to the President of the Provincial Congress and learn of him, whether Colonel R. left any orders respecting these articles, and procure such of them as can possibly be had. If the President cannot provide immediately for sending them on here, you must put them in a proper channel to be transported with the greatest dispatch, before you leave there. After you have procured as many of these necessaries as you can, you must go on to general Schuyler and get the remainder from Tyconderoga, Crown-point, St. Johns—and if it should be necessary, from Quebec, *if in our hands*. The want of them is so great, that no trouble or expense must be spared to obtain them. I have written to general Schuyler ; and he will give every necessary assistance that they may be had and forwarded to this place with the utmost dispatch. I have given you a warrant upon the paymaster general for a thousand dollars, &c.”

Provincial Congress, then sitting at Watertown. Colonel Knox did not return with these heavy stores till the first of February, and it was a matter of surprise that he should have accomplished his purpose, even so soon ; as the way, for a great distance, was new and extremely difficult for teams and sleds to pass. When, at Albany, on his route to the lake, he received a letter from the Continental Congress, requesting him to examine the grounds near the Hudson, between those places, with a view to the erection of a line of forts, to prevent the access of the British at any future time.

The ordnance and military stores furnished for the American army by this arduous enterprize of colonel Knox, and by the capture of some British store ships by captain Manly, a short time before, encouraged general Washington in his long meditated plan of an attack upon the ministerial troops in Boston. He had been desirous of offensive operations against the besieged army in that place for some months. He wished to drive them from the capital of Massachusetts, and hoped so to weaken them, if he could not succeed in the capture of the whole army, as to convince them of the desperate nature of the enterprize in which they were engaged, of subjugating the colonies ; and to prevent their falling upon any other part of America with a sufficient force to cause danger or alarm. But he had too much prudence to engage in an enterprize, glorious as its issue promised to his ardent and patriotic mind to be, when there was so much hazard, which might be highly injurious to the country, and when the general opinion was against such an attempt. Some, indeed, were of opinion,

that he ought to have made an attack upon the British in Boston. And there was a time, when many members of the Continental Congress expressed a hope that he would storm the town of Boston, where the English troops were quartered, at every hazard. Aware of these expectations, and sensible of his great responsibility, Washington was resolved to make the attack; but the officers of the army, to whom he submitted his plan, convened as a council of war, solemnly decided against the expediency of the measure. He too, it appears, had some doubts as to the prudence of the attempt. The most of the troops under his command, after December, were new recruits: in reality they were mere militia, and without proper discipline. And he was long destitute of the cannon necessary for such an attack, as well as of the article of powder, without which the infantry could not be expected to maintain the onset, except for a few hours. The hope of success must have been founded upon a calculation of miracles, or of utter weakness and despondence in the British. The regular troops in the American army were not so numerous as those of the British in Boston: and most of these, though forming part of the Continental army, had engaged in the service within a very short period; and the residue of his force were militia-men called out in the exigency, and not to be relied on for a formidable attack on regular and disciplined troops. But with all his prudence and caution, Washington sometimes thought it proper to yield to public expectation. And in this case, sensible of the general feeling through the continent, he was resolved to make an attack upon the strong hold of the enemy, if circumstances

should favour such an enterprize. After the arrival of Knox from lake Champlain, with the cannon and military stores, he became more fixed in this purpose. The militia were called in from the distance of twelve miles, at his request, by an order of the legislature of Massachusetts, of the last of February; although there was then nearly five thousand with the army at Cambridge and Roxbury, besides a large portion of the continental troops then lately enlisted for the year. Fire arms and powder had also been collected by the Provincial Assembly, a short time before, for the American army, at the urgent call of the commander in chief.

The execution of the plan depended upon the severity of the weather, in the event of which the attack was to be made by the American troops passing over on the ice from Cambridge and Sewall's point in Brooklyne, across Charles river and landing west of the Common. The cold was not sufficiently severe after the month of January, to make a safe way for the passage of the troops: and there was no other avenue to the capital, which was believed to be practicable. A small part of the British troops in Boston could have easily prevented the entrance of the Americans by the way of the peninsula through Roxbury. The plan was matured, had the season favoured its execution, for the Americans to make an attack upon Boston in two divisions under generals Sullivan and Greene, the whole to be commanded by major general Putnam. This intended expedition failing, it was determined to take possession of the highlands in the northeasterly part of Dorchester, opposite to the south side of Boston, and distant,

in a direct course, not more than one mile. This was accordingly done, in the night of the fourth of March, being Monday; after a heavy cannonade against Boston for three days, successively, probably with the design to divert the attention of the enemy.

Major general Thomas had the command of the troops detached for this arduous service. They passed from the camp at Roxbury to the highlands in Dorchester with great caution, under cover of the night; and when the light of day exposed them to the view of the British in Boston, they had thrown up a sufficient breast work for protection and security in prosecuting the object of their enterprize. The enemy were surprised at the spectacle: and there seems to have been some infatuation in their councils, that they had not previously taken possession of such an important post. For general Bourgoyne and the British admiral had often observed, “that, if the *rebels* should possess themselves of those heights, the British must leave the port and harbour of Boston.”

Immediately after this event, the British general resolved to quit his situation in the metropolis of Massachusetts. He had been shut up within very narrow limits for about ten months. He had acquired no glory; he had been kept in fear by the undisciplined troops of the colonies, which he and his colleagues had affected to despise; and his men had suffered all the evils of a protracted siege. General Clinton left Boston some time before; and proceeded to New York, where governor Tryon, an advocate for the British ministry, resided and retained a degree of civil authority; and thence he sailed to Carolina, where he hoped to be joined by those

who were friendly to the cause of royalty. Bourgoyne returned to England in November preceding, to state the disasters of the ministerial army in Massachusetts, and to form the plan of attack in some other part of America.

The conduct of general Washington during his command near Boston, was fully approved by the Continental Congress, in a letter which was addressed to him after the British evacuated that place, and by a resolution which they ordered to be published. They commended his caution and prudence, and his great attention to the organization of the army; and expressed their entire satisfaction, that he had not hazarded the welfare of the country, by attacking a large and disciplined army, with a body of men, however brave, who had seen little military service, and were in a great measure destitute of arms and ammunition. There was a period, however, during the siege, after he was furnished with additional means which justified an attack, and Washington was resolved to strike a blow on the enemy, powerful as they were, if circumstances had favoured the plan. While he meditated an attack, every facility was afforded him by the legislature of Massachusetts, which their resources would supply. They granted him a loan of 50,000*l.*, when he was without continental funds in his hands, to enable him to pay the troops, who would otherwise have left the service. They ordered large bodies of the militia at three distinct periods between December 1775 and February 1776, to strengthen the American army, before the new recruits were engaged for the ensuing campaign. For a part of the winter, a full moiety of the men in the continental

army belonged to Massachusetts. The sea coasts in many places being exposed, the General Court raised several companies, also, for their protection. Marblehead was furnished with military stores, and with one hundred men, at the expense of the province. The people of that town had early thrown up batteries for their defence, as the harbour was accessible by the ships of the enemy; but their great losses and privations, occasioned by the war, left them without the ability to furnish and man their forts. In February the General Court ordered that twenty field pieces be procured, and a large quantity of powder and fire arms should be purchased for the use of their troops, wherever they could be obtained. Some of these articles were procured soon after from Connecticut and Rhode Island.

The militia of the province were arranged anew by order of the general assembly at their winter session; and Massachusetts proper parcelled into three divisions. John Hancock, James Warren* and Azer Orne were appointed major generals. Officers of brigade, and field officers also, were commissioned through the colony. A new emission of paper bills was ordered, to a large amount, to meet the expenses of the province, with a promise of being redeemed by the taxes for 1777, 1778 and 1779. Various sums were allowed and paid to persons who suffered losses at Lexington, Concord and Charlestown; and grants were made to such as were wounded, as well as to the widows and children of those who were slain in the battles at those places. A proposition was made during

* General Warren declined,—B. Lincoln was appointed in his place.

this session of the assembly for the payment of the representatives out of the public treasury of the province ; but it did not meet the support of the majority of the House. They considered it most proper, that each town should pay for the attendance of its deputies. It was also recommended to every town to choose a committee of correspondence, inspection and safety, distinct from the selectmen, for the purpose of attending exclusively to political concerns ; to consult for the welfare of the province, to watch the conduct of those who were disaffected to the cause of liberty ; and to be ready to act in concert, in great exigencies, for the defence of the country. A law passed in February, not however without some discussion and alterations of the bill first reported, prohibiting the commencement of civil suits for the space of three months ; and ordering the justices of the county courts to continue actions of that kind, to a distant day. Laws of this nature are often indeed in prevention of justice ; but if ever they were proper, it was at the period, when the statute of Massachusetts was adopted in February 1776 ; for there had been no commercial enterprise for a year ; the demands upon the people for public purposes had been most extraordinary, and many were entirely unable to meet the payment of their just debts.

Complaint was made to the General Court, about this time, that some of the inhabitants of Nantucket were in the practice of furnishing the enemy with provisions from that island. Most of the people undoubtedly were innocent of such criminal conduct ; but some of them were proved to be guilty. They had abused the license given

them to carry provisions from the main to that island for the necessary supply of its own population; and had furnished the British army in Boston with many vessel loads. One Dr. G—— was confined at Cambridge, by order of the general assembly, for assisting the enemy in this manner. Their location was such, that it was proper for them to decline all directly hostile movements against the British; but those who aided the enemies of the country, from motives of gain, or from attachment to the ministerial cause, were justly deserving of censure and punishment.

It was at the same session of the legislative assembly of the province, that a law was made for confiscating the estates of those citizens who had put themselves under the protection of the ministerial party, and whose conduct gave evidence of their hostility to measures adopted for the defence of American liberty. The law suffered some alterations at a subsequent period, but was continued substantially the same; and all who remained with the British army, or retired from America to England, forfeited their estates to the province.

After the unfortunate affair at Quebec, though the Americans remained in the country, they were not in a situation to act on the offensive against the British. And there was an apprehension, that the governor of Canada would avail of the occasion to collect a powerful force of Canadians and indians and make a descent upon the northern frontiers of New England. It was the opinion of general Washington, as well as of many intelligent public men in Massachusetts, that a reinforcement of the American troops in that department should immediately be made. It was therefore voted by

the general assembly to raise a regiment for that specific purpose, from the counties of Hampshire and Berkshire for the term of one year. This was in addition to the men already enlisted for the continental army, in pursuance of resolves of Congress of November 1775. And the expense incurred by the colony in raising this regiment, was very great, on account of clothing and the means of conveyance at such a severe season of the year. Specie was borrowed by individuals for the purpose, as they were going into the province of Canada, where paper would not pass. Elisha Porter Esq.* was appointed to the command of this regiment: all possible dispatch was given to enlist and organize them; and early in March they proceeded to join the American forces under general Arnold near Quebec. The Continental Congress acknowledged the zeal and promptness of Massachusetts, in furnishing these troops for such an important expedition.

The intelligence received from England at this time respecting the policy and purposes of administration towards America, was not of a nature to justify any hope of reconciliation, but upon terms of submission, to which the patriots of Massachusetts and of the other colonies could never accede. The king, in a speech from the throne to the two houses of Parliament, had declared "his subjects in America to be in a state of rebellion," and recommended measures "to reduce them to unconditional obedience." A large majority of the members approved of the recommendation of his

* Alner Morgan, Esq. major of the regiment is now living, 1825.

majesty. A respectable minority, indeed, protested against the system adopted by ministers and sanctioned by the crown; and the people of London, Bristol and of some other places in England petitioned the king to recall his troops from Massachusetts, and to consent to the claim of the colonists to their ancient charter rights and privileges. But it was evident, that administration would not restore America to the enjoyment of civil liberty formerly exercised, but would pursue the policy already begun of forcing the people in the colonies to abject submission. The king and his ministers supposed the Americans were resolved on independence. And, although many truly patriotic statesmen were averse from such a measure, in the hope that a reconciliation would be effected, yet more imbibed the opinion, that the arbitrary conduct of the parent state would oblige them to adopt it. An arduous struggle was therefore to be expected; and all the resolution and effort of the country they perceived would be demanded for the crisis. In no other colony, were there so many of the intelligent and influential citizens, as in Massachusetts, who were early and decided in favour of this important step.

CHAPTER IV.

British troops leave Boston...Public Funeral of General Warren...
 Washington's entrance into Boston...Northern Expedition...Death of
 General Thomas...Independence proposed...Troops raised for de-
 fence of the Province...Captain Mugford...British ships driven from
 Boston harbour...Militia to reinforce regular army...Spirit of Mas-
 sachusetts' Legislature...Great efforts and sacrifices...Independence
 declared...Proposition for new Constitution...New levies of Militia...
 Paper money depreciated.

IF the British had not previously determined to leave Boston, where they had suffered so much, and where they had little hope of success in their object of subduing the Americans, they were soon convinced of their critical situation, after the fortifications were thrown up at Dorchester neck; and in a few days they accordingly prepared for embarking on board their fleet. The British admiral gave it as his opinion to general Howe, that his ships could no longer remain in safety, in the upper part of the harbour; and that all vessels passing to or from the town would be greatly exposed. Howe was not many days in coming to a resolution to convey his troops to some other part of America: and he prevailed on the selectmen of Boston, who were in the town, to request general Washington to suspend the cannonade, which had been kept up for several days, with an assurance that the British army was preparing for their departure. A threat was more than intimated, also, that

if the cannonade continued, acts of retaliation might be expected, by destroying the property of the inhabitants. But neither the request nor the threat was regarded; and the British general was convinced, that his safety depended on a speedy departure. He formed a plan, however, to dislodge the provincials from the heights of Dorchester, but was not successful in the attempt. A large body of British troops left Boston in boats, the day after the Americans began their fortifications, with the intention to land at the easterly point of Dorchester and attack the works newly erected. But a heavy storm ensued and the plan was relinquished. Such a project had been expected by Washington; and he had made arrangements to invade Boston from Cambridge in the event. He had selected four thousand troops for the purpose, which were to land on the westerly side of the town, when a part of the British was engaged in the meditated assault upon Dorchester. His plan was so well matured, and promised so glorious an issue, that many regretted the storm which interrupted the British troops in their project of surprising the forts on Dorchester neck.

The day after the Americans took possession of the heights of Dorchester, and when an attack from the British was apprehended, general Washington visited the fortifications, for the purpose of inspecting the works and giving directions in person. To inspire the troops, he observed to them, "that they should remember that it was the fifth of March."* The remark was quickly circulated

* The anniversary of the Boston massacre on the 5th of March, 1770. was observed this year at Watertown, by a

through the whole detachment, who appeared eager for the expected encounter.

The American troops now at Cambridge and Roxbury, including five thousand militia, were estimated at about fifteen thousand. The British were supposed to be less than ten thousand. On the 13th of March, it was perceived that active preparations were making by the ministerial troops for embarking on board their fleet in the harbour of Boston; and on Sunday, the 17th they left the town, to the great joy of the inhabitants of that place and of the whole province. The evening preceding, a party from Dorchester heights, had entrenched themselves on Nook-hill, an eminence still nearer to Boston; which probably hastened their departure. A detachment from the American army, under major general Putnam, took possession of the metropolis the same day.*

The joy of the occasion, however, was mingled with much grief and regret, to witness such destruction of buildings and property, in that formerly flourishing capital. Some of the churches were essentially injured, having been used as stables for the British cavalry; and many houses and stores

great number of the inhabitants of Boston and other patriotic citizens. The Rev. Peter Thacher delivered an oration on the occasion.

* When Boston was evacuated by the British, a large quantity of medicine was found in their hospital; and on inspection by Dr. John Warren, it appeared that arsenic was mixed with it. At the request of the General Court, he gave his affidavit to the fact. It excited great horror and indignation in those who believed it was intended to poison the sick among the Americans. Many however, were inclined to the more candid supposition, that the design was to injure the whole stock of medicine and render it unfit for use.

were razed to the foundations, and the materials used for fuel: ornamental, and fruit trees were cut down for the same purpose. The streets were filled with dirt and filth, which had been accumulating for nine or ten months; and the small pox was raging in various parts of the town. This gloomy scene formed a most striking contrast to the appearance of the place twelve months before.* The British embarked in such haste that

* Extract of a letter from a citizen of Boston, of March 23d, 1776, who left that town just before the siege, and returned a few days after the British troops left it.

"Yesterday I returned from my exile after an agreeable journey, and arrived in this once flourishing but now solitary town. Once more I tread the streets of Boston, and with a sad and pensive feeling, view the havoc of civil war. Were I to give you a particular detail of its situation last winter and its present state, it would exceed the limits of my time and paper. You will excuse me, therefore, if I only give you a hasty view of some occurrences which the little time I have been here has furnished.

The face of the town is, indeed, very little altered; excepting that the shops are shut and many old wooden buildings have been demolished. When we enter the houses there are seen the marks of violence and outrage—scarcely any that are not robbed and plundered by the merciless *bandit*. Nor have public buildings and houses devoted to the worship of God escaped the outrage. The old south meeting house presents a melancholy spectacle. The pulpit and galleries were taken down; the floor strewn with dirt and made the receptacle of beasts. The old north, that venerable edifice, fell a sacrifice to the importunity of the tories, and was appropriated to their use, though the officer who ordered it taken down, is said to have done it with reluctance. The steeple of the west meeting house is taken down and otherwise damaged.

After the tories had embarked, the soldiers and sailors vied with each other who should commit the greatest violence: and I am told, whig and tory suffered indiscriminately.—The small arms belonging to the town, which had been delivered up, they have left behind, but they are entirely useless

they were obliged to leave behind them several large cannon; but the most of these they rendered unfit for immediate use. They also dismantled the fort at Castle island; and it required much time and expense afterwards to put it in a state sufficient to afford protection to the town. The enemy's fleet only proceeded to the lower harbour of Boston, at this time: and a considerable part of it remained till the month of June. A number of their ships proceeded first to Halifax, and there taking some new recruits, sailed for New York, and landed at Staten island in June following.

At an early day, after the British army left Boston and Charlestown, the body of general Joseph Warren was discovered near the fort on Breed's hill, where it had been buried, the day following the memorable battle of 17th of June 1775. The legislature gave directions for a public funeral to be attended in Boston.* An immense concourse of the inhabitants were present, on the solemn occa-

They have demolished most of the pictures in the Court house and Faneuil hall. The latter place hath undergone a strange metamorphosis, was changed into a play-house, and is now in a very disordered state. The distresses of the inhabitants last winter were very great, being without fuel, and provisions very scarce and dear.

The tories were sanguine that the British troops would beat the rebels, until they returned from their design against Dorchester hills. Their countenances then gathered paleness; in their distress they applied to those whom they had just before affected to despise. Their distractions and distortions could be described only by the pencil of Hogarth. They are charged with being the instigators of all the mischief which happened."

* Perez Morton, Esq. pronounced an eulogy on his character, on the occasion.

sion, as well as a committee of the council and representatives then in session at Watertown, and many other public characters, both civil and military. His memory was cherished with great respect and gratitude: for he was one of the most illustrious patriots of Massachusetts, as well as one of the earliest victims which were offered on the altar of freedom.

A few days after the British troops left Boston, general Washington, having dispatched several regiments of the continental forces for New York, for which place he supposed general Howe was destined, visited the metropolis, and there remained for a few days, giving directions respecting the military stores left by the enemy and making arrangements for the defence of the town, when he should leave the colony for New York.* A committee of the inhabitants delivered him an address, congratulating him on the departure of the British army from the province, and expressive of their high sense of his patriotic and judicious conduct while commanding the American army in the vicinity. An address was also made to him by the General Assembly of Massachusetts, at this time; which was as follows.

“When the liberties of America were attacked by the violent hand of oppression, when troops hostile to the right of humanity invaded this colo-

* On the 28th, the public Thursday lecture was again attended in Boston and Dr. Eliot preached from Isaiah xxxiii. 20. General Washington and several other military officers of high rank were present on the occasion, with the members of the council, committee of the House of representatives, selectmen of Boston and others. A public dinner was also given to the commander in chief, this day, in the Capital.

ny, seized our capital, and spread havoc and destruction around it; when our virtuous sons were murdered and our houses destroyed by the troops of Britain; the inhabitants of this and of the other American colonies, impelled by self-preservation and the love of freedom, forgetting their domestic concerns, determined resolutely and unitedly to oppose the agents of tyranny. Convinced of the vast importance of having a gentleman of great military accomplishments to discipline, to lead and conduct the forces of the colonies, it gave us the greatest satisfaction to hear that the Congress of the United Colonies had made choice of one thus qualified; who, leaving the pleasures of domestic and rural life, was ready to undertake the arduous task. And your nobly declining to accept the pecuniary emoluments annexed to this high office fully satisfied us, that a warm regard to the sacred rights of humanity and sincere love to your country solely influenced you in the acceptance of this important trust.

“ From your acknowledged abilities as a soldier, and your virtues in public and private life, we had the most pleasing hope; but the fortitude and equanimity so conspicuous in your conduct; the wisdom of your councils; the mild yet strict government of the army; your attention to the civil constitution of this colony; the regard you have at all times shewn for the lives and health of those under your command; the fatigues you have with cheerfulness endured; the regard you have manifested for the preservation of our metropolis; and the great address with which our military operations have been conducted; have exceeded our most sanguine expectations, and demand the warmest returns of gratitude.

“The Supreme ruler of the Universe having smiled on our arms and crowned your labours with remarkable success, we are now, without that effusion of blood we so much wished to avoid, again in quiet possession of our capital: the wisdom and prudence of those movements, which have obliged the enemy to abandon our metropolis will ever be remembered by the inhabitants of this colony.

“May you still go on approved of heaven, revered by all good men, and dreaded by those tyrants who claim their fellow men as their property. May the United Colonies be defended from slavery by your victorious arms. May they still see their enemies flying before you. And the deliverance of your country being effected, may you, in retirement, enjoy that peace and satisfaction of mind, which always attend the great and good. And may future generations, in the peaceable enjoyment of that freedom, the exercise of which your sword shall have established, raise the highest and most lasting monument to the name of WASHINGTON.”*

To this address, general Washington made the following reply—“Gentlemen, I return you my most sincere and hearty thanks for your polite address; and feel myself called upon by every principle of gratitude, to acknowledge the honour you have done me in this testimonial of your approbation of my appointment to the exalted station I now fill, and what is more pleasing, of my conduct in discharging its important duties.

* Sever, Hawley, Spooner, Cushing and Sullivan, were the committee of the Council and House of Representatives, to prepare and present the address to general Washington on this occasion.

“ When the councils of the British nation had formed a plan for enslaving America and depriving her sons of their most sacred and invaluable privileges, against the clearest provisions of the constitution, against justice and truth ; and, to execute their schemes, had appealed to the sword, I esteemed it my duty to take a part in the contest ; and especially when called thereto by the unsolicited suffrages of the representatives of a free people ; wishing for no other reward, than that arising from the conscientious discharge of the important trust, and that my services might contribute to the establishment of freedom and peace upon a permanent foundation, and merit the applause of my countrymen and of every virtuous citizen.

“ Your acknowledgments of my attention to the civil constitution of this colony, while acting in the line of my department, also demand my grateful notice. A regard to every provincial institution, when not incompatible with the common interest, I hold a principle of duty and of policy, and shall ever form a part of my conduct. Had I not learned this before, the happy experience of the advantages resulting from a friendly intercourse with your honourable body, their ready concurrence to aid and counsel whenever called upon in cases of difficulty and danger, would have taught me the useful lesson.

“ That the metropolis of your colony is now relieved from the cruel and oppressive invasion of those who were sent to erect the standard of lawless domination and to trample on the sacred rights of humanity, and is again open and free for its rightful possessions, must give pleasure to every virtuous and sympathetic heart ; and being effect-

ed without the blood of our fellow citizens, must be ascribed to the interposition of that Providence, which has manifestly appeared in our behalf through the whole of this important struggle, as well as to the measures pursued for bringing about the happy event.

“May that Being who is powerful to save, and in whose hands is the fate of nations, look down with an eye of compassion upon the whole of these united colonies ; may he continue to smile upon their councils and arms, and crown them with success, while employed in the cause of virtue and of mankind. May this distressed colony and its capital and every part of this wide extended continent, through his divine favour, be restored to more than their former lustre and once happy state, and have peace, liberty and safety secured upon a solid, permanent and lasting foundation.”

The corporation and overseers of Harvard College conferred on general Washington, the third of April, when he was preparing to leave the colony and to join the army near New York, the honorary degree of Doctor of Laws, not only on account of his great intelligence and sound judgment, but in consideration also of his civic virtues, and his patriotic, disinterested services in the cause of liberty. During the whole period of nine months, which he passed in the colony, at the head of the continental forces, arduous and difficult as were the various duties which devolved on him, his conduct received the applause and admiration of all classes of people.

General Washington left Massachusetts for New York, where it was believed the British intended to make an attack, early in the month of April.

The greater portion of the continental troops who had composed the army at Cambridge and vicinity, were sent on to that colony, at the time the British embarked from Boston, under the command of generals Sullivan and Heath; and major general Putnam followed, in a few days after, to resume the chief command, until Washington should arrive. Three regiments were left at Boston, under major general Ward, for the protection of that place and vicinity; to whom Washington gave particular instructions to consult the civil authority of the colony in all his movements within their territory. The General Assembly requested that six of the continental regiments might be permitted to remain for some time; as a part of the British fleet was still in the lower harbour, and they feared an attack, unless they could command a formidable force. And it was found necessary, soon after, to raise three additional regiments for the protection of the coast, at the expense of the province.

A part of the American troops at Cambridge and Roxbury were also ordered to Canada, immediately on the departure of the British from the metropolis of Massachusetts. Though general Arnold remained in the neighbourhood of Quebec through the winter, and some fresh troops from Massachusetts and New York had been sent on to reinforce him, the Americans were not sufficiently strong to effect any great object: but it was still considered highly important, if not to take possession of that whole province, to prevent the British from recovering the forts on lake Champlain, by which any future plans of attack on the western and northern parts of New England would be more easily accomplished. Major general Tho-

mas, of Massachusetts, was entrusted with the command in that department; and many of the continental forces which marched into that quarter belonged to the province. These troops endured great privations and sufferings in travelling through a new country, partly covered with snow, and almost destitute of provisions. The British were reinforced by fresh troops from England early in May, and the Americans near Quebec were obliged to retreat soon after general Thomas arrived there. The men were so worn down by sickness and fatigue, that no offensive operations were attempted. A council of war gave an opinion for retiring from that place. The whole number of American troops was less than 2000; and not more than 300 were fit for active service. The time for which a large part of them had enlisted, had then also expired. Indeed, it was not without great judgment and unremitting effort, that the Americans were prevented from falling into the hands of the British, who opened the campaign with great force, consisting of regulars, Canadians and Indians.

On their return to Montreal and Crown Point, the Americans were subjected to the severest sufferings, from sickness and a want of suitable provisions. At the latter place they made a stand; but general Thomas died before they reached that station. His conduct was approved as able and judicious, under the many difficulties he had to encounter. He was attacked by the small pox, which prevailed among his troops, and survived only a few days; and general Sullivan succeeded him for a short time in the command of the troops in that quarter, when general Schuyler of New York was ordered to that department.

The death of general Thomas was deplored as a great public calamity. He was distinguished by great prudence and judgment, as well as resolution and intrepidity. He was appointed a major general on the continental establishment in March; but had been second in command in the provincial army in the summer of 1775, till general Washington arrived at Cambridge. He had also served with reputation as a field officer, in the war of 1756, between England and France, and was descended from one of the most ancient and respectable families in the county of Plymouth.

While the General Assembly was in session, on the 10th of May, they passed an order, which was published, by which the people of the several towns in the province were advised to give instructions to their respective representatives, to be chosen for the following political year, commencing the last of the month, on the subject of Independence; which, at that time, was more generally contemplated, than it had been at any former period. A reconciliation with Great Britain was now expected by very few of the intelligent patriots of America. The British ministry had not moderated their claims, nor relaxed in their measures of coercion. On the contrary, they breathed a more threatening spirit, and had resolved to prosecute the war with new vigour. The people of Massachusetts had now also experienced too much of the vindictive disposition of the ministerial party, to expect any thing at their hands but cruel oppression and utter subjugation. Even the recent pretended conciliatory plan of lord North was too flimsy to deceive the most ignorant. It required absolute submission, upon a specious pro-

vince of mercy, to be shewn in such way as the crown might see fit to grant. They spurned the proposed pardon, when they had committed no fault, unless it was one to defend their charter rights; and they rejected the offer of peace, upon terms degrading to them as freemen, and dishonourable to them as patriots. It was the prudent suggestion of the assembly, however, that the people, in their primary meetings should give their opinions upon this most important subject. The citizens of Boston and of some other towns expressed themselves in favour of such a measure; declaring, however, their perfect confidence in the patriotism and wisdom of Congress, in whose decision they were determined to acquiesce.

Some of those citizens of Massachusetts, who disapproved of the opposition made to the measures of the British ministry, and who had repaired to governor Gage for protection after the battle at Lexington, remained in Boston when the English troops left that place in March; and some, who went to Halifax with the fleet, were dissatisfied with their reception there; and, returning to the province soon after, threw themselves upon the mercy of the government. They were immediately taken into custody; and most of them were kept in confinement several months. Those who had rendered themselves most obnoxious did not return. The conduct of the others, after they came back, was closely watched; and it was a long time before they gained the confidence of the people.

In April, the General Court voted to erect a powder mill at Sutton. There were already two in the province, built under the patronage of the

legislature. A bounty was offered for manufacturing salt-petre;* and a committee appointed to superintend the casting of cannon and making of fire arms. Beacons were ordered to be erected in Boston, Cape Ann, Marblehead, and on the Blue-hills in Milton; for the purpose of giving an alarm to the people whenever the British should attempt to land near those places. An additional number of armed vessels, in the service of the province, were fitted out; and an offer was made to aid in completing a continental frigate, then building at Portsmouth, as a British ship of war was making havock near the coast. Hulks were also ordered to be sunk in the harbour of Boston: and two vessels were employed to keep a watch in the bay and give sea-sonable notice of the approach of the enemy. The assembly of Massachusetts, at the request of general Knox, provided for conveying a large quantity of cannon and military stores to New York by land; where the main body of the American army was now stationed.

It was during the session in April, that they passed a resolve to alter the style of writs and other legal processes; substituting "the people and government of Massachusetts" for George the Third: and, in dating official papers, the particular year of the king was omitted, and only the year of our Lord mentioned.

The General Court, at this session, ordered the militia to make use of a system of exercise prepared by Timothy Pickering, Jr. Esq. This was an improved edition of a book published by him

* In one week, in the month of May, 37,000 pounds were deposited with the public agent, at Watertown; and large quantities besides carried directly to the powder mills.

in May 1775, and then recommended, by the Provincial Congress, to be observed by the minute companies and others.

The new General Assembly for 1776 was organized at Watertown, on the last Wednesday in May; and the same gentlemen were elected to compose the executive council, who were members the preceding year, with the exception of six, who declined the trust.* That body then consisted of twenty eight members. The town of Boston elected twelve representatives for this year. The year before, the number was only five. The small pox, then raging in Boston, probably prevented the court from sitting there, at this time.

Although the enemy had quitted the town of Boston, and the greater portion of them had left the province of Massachusetts, neither the citizens nor the General Court could promise themselves much intermission in arduous service for the public welfare. They had not only much to restore and to repair, after a siege of more than ten months, when their constant attention had been given to measures for preventing the utter conquest and desolation of the province; but some of the enemy were still within the harbour of the metropolis, intercepting the scanty commerce which remained to them. There was also reason to fear, that the British might soon return with additional force; and New York at the south, and the settlements at the north west were so much exposed as to induce Congress to call on Massachusetts, struggling

* Mr. Bowdoin was again president of the council. Those who declined, were J. Otis, the elder, John Adams, Jedidiah Foster, &c. Mr. Adams was a member of Congress, and Mr. Foster a judge of the Superior Court.

as she was with her own wants and dangers, for aid in the common cause. General Washington thought it consistent with his duty, as commander of the continental army, to leave but few regular troops for the defence of Boston. Before he left the province, he gave directions for repairing the works on fort hill, so called, in Boston; and soon after his departure, the General Assembly ordered fortifications to be erected on Noddle's island, and the cannon left by the British in an injured state on Castle island, to be fitted for use. They also made immediate provision for raising two regiments, to be stationed within and near the harbour of Boston; and, in May, another was called for, together with six companies of artillery; all at the immediate expense of the province.

These were soon organized, and placed some of them at the castle, some at Nantasket, and some at Noddle's island. General Lincoln was chairman of the committee appointed to direct in the accomplishment of these objects: and, under his judicious management, the forts were built, and the vessels of the enemy driven from their position at the mouth of the harbour. The General Court, at this time also, provided for fortifications at Salem, Marblehead, Cape Ann, Plymouth, and Falmouth on Casco bay. Cannon and other military stores were furnished, and men were stationed at these places, for the greater part of the summer following. These towns were exposed to the British ships, which were hovering on the coasts for a great distance. Some of these were large sloops of war and frigates, which rendered the coasting business extremely hazardous. The private armed vessels and those in commission of

the province and of the continent, were of essential benefit to the country at this period. They were numerous, and constantly on the watch for the enemy. Scarcely a week past, but they captured a valuable prize; while only one of them was taken by the British for a long period. This was an armed brig called the *Yankee Hero*, belonging to N. Tracy of Newburyport. She was captured near the coast by an English sloop of war, which had greatly annoyed the commerce and coasting trade of the province. But the American brig did not surrender, until she had made an obstinate resistance of nearly two hours and lost about half her men.

Captain Mugford of Marblehead, in a continental schooner, called the *Franklin*, achieved a brilliant exploit (April 17th,) but eventually became a victim of British vengeance. The *Franklin* had twenty men, and she engaged a large ship from Ireland with eighteen men, mounting six guns, and loaded with provisions, cannon and other valuable military articles. This was just at the entrance of Boston harbour, and in full view of the British ships then lying in Nantasket roads: and he carried her up to the town of Boston, through the northern passage. Three days after, captain Mugford went down the harbour, intending to put to sea on a cruise. His vessel run aground in the gut. The British were informed of his situation, and they sent ten boats filled with men, in number about two hundred, to attack him. They approached the *Franklin* in the evening, and when they were hailed, pretended to be from Boston. But he suspected they were enemies, and ordered them to keep off. They did not regard him; and

perceiving them pulling for his vessel, he fired into the boats with great spirit. Two boats were sunk, and the others were soon obliged to sheer off. But the brave commander was shot dead in the contest. Several of the enemy were slain in the boats; among whom was the first lieutenant of the British ship of war. About this period three large transport ships from England and Scotland were captured by privateers from Marblehead; each having about one hundred highlanders and thirty marines for the British fleet. One of these ships engaged the privateers some hours before she surrendered, and lost seventeen men, besides major M. an officer in the British service. A colonel Campbell was on board one of the captured vessels.

There were frequent alarms in the months of May and June, and fears were entertained of another visit from the British, which gave much uneasiness to the inhabitants; although there were some continental troops at Boston, and several regiments had been called into the colonial service in the vicinity. It was not believed, that the British fleet would remain long at Halifax; and whether Massachusetts or some southern colony would be attacked, was very uncertain. It was, therefore, determined by the General Court, early in June, to throw up fortifications at Nantasket, and on several islands in the harbour of Boston, and, if possible, to drive all the enemy's vessels from its waters. There was already some provincial troops at Nantasket, at the Castle, and at Noddle's island; but they had hitherto acted only on the defensive. On the 14th of June, two years from the time of the odious "Boston port bill," a large party of

men went down the harbour, consisting of two provincial regiments, a battalion of artillery and some continental troops; and took post, at Nantasket, Long island, Pettick's and Moon Islands, where they threw up entrenchments, and immediately began a heavy cannonade upon the British vessels lying in the channel. These were then about twenty in number. Their situation was found to be too hazardous to remain; and they soon got under way and left the harbour, excepting two or three which were taken by the Americans. They suffered some from the forts before they departed; and on leaving the outer harbour, they blew up the lighthouse, the only injury which was in their power to commit.

It was considered prudent to retain the two regiments and the battalion of artillery in the service of the province through the season: and to keep guards at the fortifications, which had been erected in various parts of the harbour. Several other companies were also retained, at populous places on the coast, which were most liable to be approached by the enemy's ships. But there were still greater demands upon Massachusetts in June and July for men to recruit the army at New York, and at the northward, on lake Champlain, where attacks were threatened by formidable forces of the British, who had lately been victorious, in that quarter, over the Americans.

On the arrival of the British at New York in June, general Washington called upon Congress for an additional force, to enable him to prevent their landing, or to check them in any plans of ravaging the country. The regular troops under his command were but few, compared to the numbers

with which it was expected the British would open the campaign in that quarter.* Many of the continental regiments belonging to Massachusetts were in the northern department, where a large force was also deemed necessary. General Bourgoyne had arrived in Canada with fresh troops, and was driving before him the Americans, who were worn down with fatigue and sickness. Congress addressed the legislature of Massachusetts, as well as of some other colonies, and urged them to send on the militia with the greatest possible dispatch. On the 25th of June, the general assembly resolved to raise five thousand militia for six months, to reinforce the continental army. This must have been a great effort and have required great sacrifices, when it is recollected, that the province had already furnished more than its portion of regular troops for the year's service, and had also a great number of men doing duty at Boston and other places on the

* On the 20th of June, an attack was made upon some British soldiers at Sandy Hook near New York, by a party of Americans of about 300, commanded by colonel Tupper, with major Brooks as second in command, all belonging to Massachusetts. The British retreated to the light house, which served them as a shelter; and two ships of war, lying in the offing kept up a fire upon the Americans for nearly two hours, which prevented them in the pursuit of the English soldiers. But the party under colonel Tupper received no injury. Major Henly, aid to general Heath, a brave and meritorious officer, was killed soon after, in an engagement with some British troops at Harlem, near New York. Heath had then recently been appointed a major general in the continental army. In October, a party of the Americans chiefly from Massachusetts, under colonel Shepherd, attacked some British at New Rochelle, near New York, and a severe skirmish ensued, when the enemy fell back to the main army. It was said by one of the officers, "that the Massachusetts boys fought the regulars bravely for some time in the open field."

sea coasts. The preamble to the resolve for raising these men is indicative alike of the sense they had of the danger to which the country was exposed, and of their resolute purpose to sacrifice every thing for the preservation of their liberties. It is as follows :

“ As the unrelenting spirit, which possesses the king and Parliament of Great Britain, has pushed them on to leave no measures unessayed to accomplish our destruction, and with infinite disgrace to themselves are about to pour in upon us a number of foreign troops, with intent this year to decide the contest and to enslave us forever ; and as such a manly and brave resistance, as with the smiles of heaven we are able to make, will, we trust, utterly defeat their haughty and unrighteous designs, and establish our liberty ; the American Congress have called upon this colony for five thousand of its militia to co-operate with the continental troops at Canada and New York, and it is absolutely necessary that a proper number of men should be reserved for the defence of the sea coasts against the attacks which may be made upon them, it renders it unavoidable that the levies should be made on the towns least exposed to invasion from the sea ; and although the numbers are large, yet the exertions now called for are not to be regarded when compared to the great and noble objects for which we are contending ; this court, therefore, have the fullest assurance that their brethren, on this occasion, *will not confer with flesh and blood*, but being convinced of the necessity of the measure, will without hesitation and with the utmost alacrity and despatch, fill up the numbers proportioned on the several towns, in which case we shall

have the highest prospect of defeating the bloody designs of our unjust and cruel adversaries. We derive the greatest confidence from the spirited and distinguished part our constituents have taken upon all important occasions, and we flatter ourselves that a noble defence this campaign will put an end to the contest. Every thing, therefore, calls for our united exertions; not only the safety of our property, children and families, but the security of the rights of the present and future generations."

These men were raised at great expense to the province; and committees were employed in every county to assist and encourage the enlistments. A bounty and a month's pay in advance were allowed as an inducement to the people to engage in the public service. The sum of 50,000*l.* was appropriated for the purpose. Three thousand of these militia were ordered to the northern department, and two thousand for New York. Before the whole were enlisted, the legislature proposed to general Washington to take two regiments of the continental troops stationed at Boston, for the defence of that place, and offered to call out the inhabitants in the vicinity as a guard, till they should be able to relieve them by others which should be enlisted.

The first of July several additional regiments were ordered to be marched to New York; together with a large number of light-horse, and several companies of artillery. The British had landed a great force, and threatened to subdue the whole country. Two more regiments were required to be forwarded to Canada, the tenth of July; and the legislature ordered a levy of every 25th man

for the purpose. These were raised principally in the western parts of the province, and in Middlesex and Essex ; while those which marched for New York were from Suffolk, Plymouth and Bristol. For although several of the continental regiments were hurried off immediately from the Boston station, and some of the militia repaired thither to take their place, others of them hastened directly from the towns where they were mustered to the southern and northern departments.

Such exertions as these could not have been made without great patriotism and zeal, both in the General Court and in the people of Massachusetts. To those who live in peaceful times and pass their days in ease and quiet, it appears almost incredible, what sufferings were endured and hazards met by the brave men of that eventful period. Few persons in any age have made greater efforts for the enjoyment of any earthly blessing. In communicating the resolves of Congress at this time, Hancock urged the General Court and people, by every consideration which could influence honourable men and freemen, to assist in the great work of saving the country from tyranny and oppression. Many others were equally decided and zealous : and without such characters to animate and rouse the people, brave and attached to liberty as they were, they would have been discouraged, and have sunk under the increasing difficulties which surrounded them.

Under all these difficulties and threatened as they were with ministerial vengeance, the delegates of the several North American colonies, in General Congress assembled, after much deliberation and mutual consultation, on the fourth

of July (1776) declared themselves INDEPENDENT of the crown and government of Great Britain. But it was not without some opposition, that this declaration was adopted and publicly made. Some highly patriotic citizens were not then prepared for such a serious measure; nor were they willing to relinquish entirely the hope of a reconciliation with the parent country. But a large majority of the members were decidedly of opinion, that no reconciliation could be effected, and that the period had arrived, when it was necessary to declare the colonies a separate government from England. The British ministry might be incensed. But their vengeance was already in exercise, to its utmost extent; and by becoming an independent nation, the governments of Europe might be induced to assist them against an unnatural foe. The resolution of Congress was zealously advocated by all the delegates from Massachusetts; and was approved by a vast majority of the people, in this and the other twelve colonies; which, from this memorable period, were called and known as the thirteen United States of America. On the eighteenth of July, this Declaration of Independence was publicly read from the balcony of the State House in Boston, in presence of a vast concourse of the citizens, of several military companies, of the officers of the militia and of the continental army on the station, of the selectmen and other municipal officers of the town, and of many members of the executive council and General Assembly of Massachusetts. There was great parade and exultation. The king's arms were taken down, and a public dinner given on the occasion. And afterwards, the declaration

was read in the churches on the Lord's day, after the religious service had closed.

The several states were now considered *sovereign*, as well as independent. The supreme civil authority resided in the legislature in each state ; and each claimed the right to exercise sovereign power, within its own jurisdiction, yielding due respect to the advice and recommendations of the General Congress. It soon became an important question in Massachusetts, what should be the particular form of civil government. Some gave an opinion in favour of one branch for the legislature, others preferred two branches, as in the British parliament. There was indeed no necessity for an immediate decision on the subject. For the government was then such as had long existed in the colony, except a vacancy of the office of governor, the duties of which were performed by the executive council. It was proposed however, at this session of the General Court, to appoint a committee of their own body, to prepare a form of government ; but they did not proceed to the business, as the opinion was generally expressed, that the subject ought to originate with the people, and that they should elect delegates for that specific purpose : and accordingly, it was only recommended by the House of Representatives to their constituents, to choose their deputies to the next General Court, with power to adopt a form of government for the state. This advice was first given in September 1776 : and afterwards more formally, in April 1777. Between these dates, the committees of safety from a majority of the towns in Worcester county assembled, and voted that it would not be proper for the (then)

General Court to form a constitution; but that a convention of delegates from all the towns in the state should be called for the express purpose.

In the month of August, a day was set apart by the General Court of Massachusetts for public humiliation and prayer. The situation of the state and of the country was very critical. The enemy had two large armies, commanded by able generals, resolved, if possible, to overrun the continent. The one at New York consisted of nearly 20,000 men; and that on Lake Champlain at the northward, was estimated at 12, or 14,000. Many of the American troops, though probably almost as numerous as the British, were militia called out for only a few months. And the resources of the country were too limited to furnish all needful means of defence against such a formidable enemy. But no efforts were spared to oppose a sufficient force to the invaders, for defending the United States; and no part of the country afforded more ready assistance than Massachusetts.

Another requisition for men was made on Massachusetts in September by Congress, who had been solicited by general Washington to furnish a fresh supply of troops; and the legislature ordered every *fifth* man to march to the neighbourhood of New York, the quarters of the commander in chief. The towns on the sea coast were excepted, in this order of the General Court, as their service would probably be required for the defence of the state. Major General Lincoln was appointed to command this detachment; and they marched immediately to Fairfield in Connecticut, with directions to report themselves to gene-

ral Washington. They were raised to remain in service until such time as the General Court should determine, though an assurance was given, that they would probably be discharged within three months. In the terms of enlistment, it was also stated that they were to serve in the New England States, or in New York and New Jersey. Before the whole of these were ready to march, two regiments were ordered to Rhode Island, which was now attacked by a British squadron, and whale boats were furnished to convey them from Falmouth, Dartmouth and Buzzard's bay. The residue were discharged in two months, as the British near New York discovered no disposition to penetrate into the country, and part of their fleet sailed to Newport. General Lincoln soon after took command of the troops raised for the defence of Rhode Island. The General Court of Massachusetts, in the same month, employed a large number of ship carpenters to repair to the army on Lake Champlain, where it was considered important to have a fleet of small vessels to check the enemy ; and, at the request of general Schuyler, they furnished him with powder, nails, &c. in that quarter. Misfortunes still attended the American army in the northern department. The British took several important posts there in August and September ; and were also victorious in a naval engagement on the lake.

With very short intervals, the General Assembly was in session the whole of this year. The one formed in July 1775, was together until the middle of May 1776 : and afterwards, there were only three adjournments of the court for a few weeks for the residue of the year ; in November

they sat in Boston. And when the House of Representatives adjourned, the council had power given them to provide all necessary measures for the defence of the state, and for calling out the militia to recruit the continental army. This body was usually in session; or a committee remained to act in any sudden emergency. Their attention and advice were almost constantly required. Scarcely a week elapsed, in which there was not a call upon the civil authority of the state for the militia to march to head quarters near New York, to lake Champlain, or to Rhode Island; and frequently there were alarms within the state, which rendered it expedient to increase the forces at Boston, or station men at other parts of the extensive sea coasts.

The General Court had, also, much legislative duty to perform, respecting the internal regulation of the State. At one time, they found it expedient to suspend the ordinary execution of the laws, which regarded merely pecuniary disputes between the people. And the interruption which took place in the common business and pursuits of life, and the difficulties occasioned by great taxes and heavy drafts of men for the military service, produced so much distress and discontent, that the prudence and wisdom of the most intelligent patriots were called forth, in adopting means of relief for the people and of protection to the country. The paper currency had now depreciated: many, who had demands upon the state, were unwilling to receive it in payment; and the soldiers and their families complained, not without reason, that before their wages were paid, the bills were far less valuable than the nominal sums.

purported to be. The General Court appointed a committee, about this time, to meet others from Connecticut, Rhode Island and New Hampshire, for the adoption of some measures to restore the credit of paper money, or to prevent its further depreciation; and to check a spirit of monopoly, speculation and extortion, which was manifested in many places; and in consequence of which the poorer classes, especially the soldiers, were subjected to great injustice and sufferings. This committee was to have met at Providence; but that place was occupied by the military, and no meeting was held. The following spring, another committee was appointed for the purpose, to meet at Springfield; and New York was also represented on the occasion. A plan was reported, chiefly for the relief of those who were in the public service, by which the articles of food and clothing furnished their families were fixed at certain prices; and the evil to which they were before liable was in some measure checked. But it was found difficult to prevent all speculation and monopoly. And whenever such an attempt has been made, it has generally been found ineffectual.

CHAPTER V.

Continental army for 1777 . . . Slavery forbidden . . . Several calls for militia . . . Invasion of Rhode Island under general Lincoln . . . Military stores from France . . . Monopolies and depreciation . . . Additional State troops, and drafts of militia.

IN the month of September of this year, (1776)* in order to prepare seasonably for a powerful army for the next campaign, Congress recommended that 70,000 men be raised by the States for the term of three years, or during the war; and apportioned to the several States their respective quotas. Massachusetts was first required to raise fifteen battalions; and soon after there was a requisition for two additional regiments, and a battalion of artillery; being in the whole about thirteen thousand, and nearly one fifth of the whole continental establishment. The term for which those then in service had engaged would expire with the present year, and they had been enlisted directly by continental agents and officers, without the special intervention of the individual States. It was now concluded to have each State raise a certain number of troops, but when enlisted, to form, as before, a continental army. The time for which they were to enlist, was to be so long

* Members of Congress for 1776, from Massachusetts, S. Adams, J. Adams, J. Hancock, R. T. Paine, and E. Gerry.

as the war might continue; or at least for the period of three years. This was certainly a wise and judicious plan; but some of the States were averse to it, as the people objected to an engagement in the service for more than a year. Nor will this appear strange, when it is recollected that most of the soldiers were the yeomanry and citizens of the country, who were unwilling to devote themselves to a military life.

A committee of the Legislature of Massachusetts was chosen in October, to go on to the headquarters of general Washington, and if necessary, to Philadelphia, to consult with Congress upon the subject of bounty and wages for the soldiers. They waited on the commander in chief, and having made known the object of their mission, desired to learn if an enlistment for one year would not meet his approbation. He was very decided,* that during the war, or three years, should be the term of the enlistment; and expressed a strong apprehension of the final success of the British, unless the States would consent to raise an army for a long period, so that the men could be taught the military discipline. He had already suffered much for want of regular troops, on whom he could rely for a long period of service. Many of his men were militia at that time; he saw that he must depend upon the militia also at the close of the

* Hon. Mr. Partridge, one of the committee, related afterwards, that he never saw Washington discover any thing but perfect self-command, except on that occasion. When a year was mentioned for the time of service, he started from his chair, and exclaimed, "Good God, gentlemen, our cause is ruined, if you engage men only for a year. You must not think of it. If we ever hope for success, we must have men enlisted for the whole term of the war."

year, while a new army should be forming; and he was determined to guard against such an evil at any future period.

During this month, an estimate was made of the sums expended and advanced by Massachusetts, for the service of the continent, in addition to the amount for various services in the State, and was found to be 150,000*l.*, after a former calculation, towards the close of the preceding year. Application was soon after made to Congress for a reimbursement of that sum, or the greater part of it. 100,000*l.* was ordered to be paid, and was accordingly sent on to the treasurer of the Commonwealth, the beginning of 1777.

On several occasions, before this period, the General Court of Massachusetts had expressed a disapprobation of the slave trade, and a disposition to put an end to the practice of retaining the Africans in the degrading condition, in which they were held in many parts of the country. Several of these unfortunate persons were brought into Salem, at this time, who were found on board a British prize ship from Jamaica, and they were publicly advertised to be sold; but the Legislature forbid the sale, and ordered them to be set at liberty.

A board of war was appointed in October, for the purpose of providing military stores, cannon and fire arms, for the men stationed within the State, as well as for those to be enlisted for the service of the continent. Several detachments of the militia were called for, at this time, to strengthen the army near New York, and on the lake; and in December many were marched to Rhode Island, for the defence of Newport. All

these were to be furnished with arms and ammunition; and though there were some of these in the public stores, many were to be collected to meet the great demand made for them. Some military articles were also loaned to the governor of Connecticut for the militia of that State, a great number of whom were in service at Rhode Island, with general Washington, or in the northern department.

During the months of November and December, large detachments of the militia were ordered out to reinforce the continental armies, and to assist in protecting Rhode Island, which was attacked, in the latter of these months, by a party of the British from New York, estimated at 6000, with a large fleet. Within the same period, committees of the legislature were sent on, both to the head quarters of Washington at the south, and of Gates at the north, to urge the men belonging to Massachusetts, whose term of service would soon expire, to enlist, on the new establishment, for three years, or during the war; and to prevail with those who chose not to engage for that time, to remain in service till the new recruits should join the army. A few consented to remain; but many returned home as soon as their time was out. At this time, likewise, arms were furnished to all the militia in the county of Berkshire, who were destitute; as it was believed they might be called out *en masse*, to strengthen the army on the lake. In November, the two regiments stationed at Boston, and around the harbour, whose time would soon expire, were engaged to continue in service several months beyond their former enlistment; and some additional regiments were march-

ed to New Jersey to join the army under general Washington, who was pursued by a powerful enemy, and whose already scanty forces were daily diminishing.* Towards the close of the same month, the militia of Plymouth and Barnstable counties, were ordered to Rhode Island; and a part of them were transported by whale boats from Dartmouth, Falmouth, and from some other places on Buzzards Bay. Two regiments from Worcester county were also marched to Providence for the protection of Rhode Island; and the militia lately ordered to be raised in Berkshire and Hampshire counties were directed to proceed to Albany, to act as the public service might require. The latter were permitted soon to return home; for the British retired into Canada, and it was concluded by the American general only to maintain his station at Ticonderoga for the winter.

The detachment of British troops from the main army at New York ordered to Newport, at this time, was estimated to be nearly 6000; and were commanded by several distinguished officers; general Clinton, lord Piercy, major general Prescott, and others. A large number of the militia from Connecticut and Massachusetts were immediately collected there, to act with those of Rhode Island, and some few continental troops, for the defence of the country. Besides those already ordered from Plymouth and Barnstable, an additional number was sent in from the former county, and from

* Two regiments from Worcester were among them; and a large company of volunteers of respectable citizens marched from Salem, though the people of that town, being on the sea board, were not required to furnish men at this time.

Bristol, Suffolk, and the southern parts of Worcester county. Major general Lincoln, who had been sent on some time before with the militia of Massachusetts to reinforce the continental army near New York, was ordered to take command of the troops at Rhode Island and Providence. A part of those ordered for Rhode Island, were directed to proceed to New Jersey, and join general Washington, whose situation was now become very critical, being pursued by a British army of regular troops estimated at 15,000, while he had scarcely one third of that number, some of which were temporary recruits. Boston being thus left unprotected, two regiments were immediately raised in the vicinity for its defence. All these various establishments amounted to more than one half of the militia in the counties above mentioned, besides a great number from all the other counties in the state.

The aspect of public affairs was, at this period, most gloomy and alarming; and but for the resolute efforts and brilliant successes of general Washington at Trenton and Princeton, the country would have sunk into a state of despondence. With a handful of men, whom the British general thought scarcely worth immediate pursuit, as he concluded they could not again become formidable, Washington fell upon a detached division of the enemy at each of these places within a short period; and destroyed and captured almost the whole, to the utter astonishment of the British, and carrying conviction to their fears, that they were opposed by a man whom difficulties could not appal, nor numbers overpower. Many Massachusetts troops were with the commander in chief in

these important attacks; for, though their term of enlistment was about to expire, they had been prevailed upon to remain till some fresh troops should arrive for the ensuing year.*

Among the officers of high rank, then with general Washington, were Green and Knox, who urged the pursuit of the enemy immediately after the affair at Trenton; which probably would have been attended with the happiest effects to the American arms. General Washington was in favour of the plan; but the majority of the officers were opposed to it.

In January (1777) a plan was laid to re-take fort Independence, near King's bridge in the vicinity of Hudson's river; which was to be executed by the militia from Massachusetts and Connecticut, to the number of about 4000. Major general Heath had the command, and Lincoln, Wooster, and Parsons, were brigadiers in the detachment. But nothing important was effected; and it was believed that the general in chief did not discover all that energy and promptness which some others might have exhibited; and which could not have failed of success.

The call for aid upon Massachusetts by the governor of Rhode Island in December, was so urgent, that almost the whole of the militia in the southern counties, and many from Worcester, Mid-

* Extract of a letter from general Washington, January 1777. "It is painful for me to hear such illiberal reflections upon the eastern troops, as you say prevails in N——. I always have, and always shall say, that I do not believe any of the states produce better men. Equal injustice is done them in other respects: for no people fly to arms more promptly, or come better equipped, or with more regularity into the field."

dlesex, and Suffolk, were ordered for the defence of that state. It was believed also to be the plan of the enemy to march through the country to Boston. The two continental regiments stationed in the capital of Massachusetts were ordered to Providence. The corps of artillery, and an independent company soon followed;* and several field pieces and military stores were sent on to Rhode Island at the same time.

The troops required of Massachusetts for the continental service, for the whole period of the war, or three years, to be enlisted the beginning of this year, (1777,) were raised with great difficulty. A similar delay, indeed, attended the efforts to engage them in all the other States. In the preceding campaign, the Americans had been generally unfortunate. Many were desirous of remaining at home to provide for their families. They had suffered much for want of sufficient clothing; and the bills by which their wages were paid had depreciated nearly one half. The General Assembly of Massachusetts proposed to offer an additional bounty; but Congress disapproved of the plan, as it would render it necessary for other states to do the same, and it was believed that some of them would not consent. Indeed, twenty dollars and land were promised by Congress; but this was a very distant good, and not valued as it ought to have been. The enlistment was so slow, that Massachusetts engaged to pay the men raised for her regiments, in addition to the offer by Congress, 20*l.* to be paid in two equal

* One of these was commanded by Thomas Melvill, and one by Henry Jackson.

instalments, and promised that the depreciation of paper, received in payment of their wages from the continent, should be made up to them by the state. In many cases, also, they were furnished with clothing at a fixed price, by which they were saved from the loss to which they would have been subjected, if they had received their whole compensation in the bills of the continent.

Four of the fifteen regiments were raised with all possible dispatch and ordered to the northward, in January, where the British movements now indicated the renewal of offensive operations.* The American army in that department, which in October preceding was estimated at 13,000, including militia, had been reduced to a number so low as to be scarcely adequate to the maintenance of the fort of Tyconderoga. The regular troops had gone home, as their term of service expired with the year just past; excepting the few who had been induced to engage upon the new establishment. The militia, also, who had been forwarded at different times during the summer and autumn of 1776, for reinforcing the army in that quarter, had been dismissed. The above number of regiments had been requested by the commanding officer in that department; and great efforts were made by the General Court to raise this portion at an early day. All the other regiments were not filled until the months of May and June; although the people were frequently urged to enlist, by all the powerful considerations, which could operate with free and patriotic citizens. The General

* These were commanded by Brewer, Francis, Bradford, and Marshall.

Court prepared an address to be read in the churches and at the head of the militia companies, soliciting the enlistment of soldiers for three years or during the war. "We entreat you," this was their language, "for the sake of religion, for the enjoyment of which our ancestors fled to a wilderness, for the sake of freedom and social happiness, to act vigorously in this critical state of our country; and we doubt not that your exertions will be crowned with that success which is due to the brave, the wise and patriotic." There was a public Fast this year in January, by advice of the General Court. Officers of militia and selectmen of the several towns in the state were enjoined to make constant exertions for raising the men required. The proportion for each town was determined, and a resolve passed, that they should provide the number fixed. In some places, the citizens were taken by lot or drafted; and all such were obliged to enter the service or to engage soldiers in their stead.*

In January, as the new levies came in very slowly, general Washington called again upon several states for the militia, for a short period. Massachusetts furnished 2000, which joined the continental army in New Jersey in the month of February. They were forwarded under command of general Lincoln, who was succeeded as the chief officer at Providence, by major general Arnold. But general Spencer of Connecticut soon after had the command on that station. On this occasion, as well as many others, the militia were of great

* Every seventh man was called for at this period; and the towns were also required to furnish 5000 blankets.

service in the war of the revolution. Lincoln was created a major general in the continental army, in 1777, and he possessed in a peculiar degree the esteem and confidence of the commander in chief.*

A greater part of the British left Newport in March, without effecting the object of their expedition, except it was merely to find winter quarters for a large portion of their troops, who could not procure support at New York. They excited great apprehensions, indeed among the inhabitants of Massachusetts, Rhode Island, and Connecticut; and the exertions made to collect a military force to prevent any scheme of conquest or plunder, occasioned much distress to the citizens of these states, already nearly exhausted by other and previous sacrifices for the public welfare. General Clinton, left Newport for England at an earlier day; and it was supposed that there was a serious misunderstanding between him and Lord Percy, who was second in command in this expedition. When it was known, that the British fleet was preparing to sail from Newport, there was an apprehension that they were destined for Boston. This circumstance induced the General Court to order the forts in the harbour of Boston to be repaired and manned, and to call in the militia to aid in the defence of the capital. As the enemy did not proceed to Boston from Newport, the militia were soon dismissed. But two regiments were ordered to be raised for that place, and several companies in the service of the state

* Glover, Patterson, Learned and Nixon of Massachusetts, were this year appointed brigadiers, and Knox, general of artillery.

were stationed in many towns on the sea board, during the year. In the spring of 1777, general Ward resigned his military commission, and was elected one of the council. He was succeeded on the Boston station by general Heath.

The private and public armed vessels belonging to Massachusetts, as well as the larger ships commissioned by the continent, were still successful in their cruises near the coast, and even in the latitudes of the West Indies. Richly laden English ships bound from those islands to Europe, and others on their voyage from Great Britain to New York, to furnish the enemy with military stores, provisions and clothing, were captured by the Americans; and thus the continental troops were supplied with necessary articles, which it would have been impossible, perhaps, to collect elsewhere. A calculation was made in England, that in eighteen months, from July 1775, to January 1777, the Americans had captured English merchant ships to the amount of 1,500,000*l.* sterling; besides a great number of transports, and provision vessels destined for the British troops.

Early this season, in the months of March and April, several ships arrived from France with woollen and linen goods, hardware, and large quantities of fire arms and military stores. This was supposed to be in consequence of the applications of the American agents, Franklin and Dean, then at Paris. One of these vessels, which arrived at Portsmouth, had about 5000 stands of arms, and various other articles for the American army. The General Court of Massachusetts applied for the fire arms to equip their troops just then preparing to march to Ticonderoga. Aware of the

necessity of the case, the continental agent furnished them; and the new recruits were therefore able to join the northern army immediately; many of whom had been delayed for want of this necessary article. Further efforts were required, indeed, to complete the battalions allotted to Massachusetts for the continental establishment. The towns from which the requisite number had not been furnished were again addressed; and an order of the General Court was issued for drafting them, if they could not be persuaded voluntarily to enlist. The regiments were not entirely filled after all these efforts.* But the militia were frequently employed, at different times, and for different periods, during the season, by which the regular army was greatly strengthened.

The General Court ordered a new emission of paper in February (1777) to the amount of 125,000*l.*; and a tax of 100,000*l.* At the same session, they consented that general Ward should order a part of the continental troops to Providence, who were stationed at or near Boston; and the citizens of the metropolis, to the number of 350, were embodied for its defence. At this time, 400 additional militia were sent on to the former place, to complete the quota of 2000, which had been before required from Massachusetts. The inhabitants of Boston had a large meeting, during

* The commanders of the Massachusetts regiments were Vose, Bailey, Groaton, Shephard, Putnam, Nixon, Francis, Brewer, Alden, M. Jackson, Wesson, Marshall, Bradford, Smith, Bigelow, H. Jackson, and Crane, of artillery. Francis was killed early this year, and Sproat had command of the regiment. Brewer left the service, and Tupper took command of his regiment. Brooks was lieutenant colonel commandant of M. Jackson's.

this month, to take into consideration the complaints of the poorer classes, respecting monopolies, and the high prices on articles in common use. The conduct of some individuals was censured for extortion, and more public spirit was recommended; and it was voted that the names of all who should offend in this way, in future, should be made public. There were a few persons in the state, also, who refused to take the bills issued either by the General Court or by Congress, which tended to lessen their value in the estimation of the common people. This was severely condemned, as injurious to the public welfare and credit; and many patriotic citizens of distinction made great personal sacrifices and efforts for the good of the community. But the debt of the state was so great, and the resources so inadequate to provide for immediate payment, that public paper of all kinds continued to depreciate, which was the occasion of great distress to many of the people.

Lead and flints to a considerable amount, were again furnished the state of Connecticut, for the supply of their troops. Nor was this done because of a great quantity in Massachusetts; for at this time the people were requested to take *the weights from their windows for the public use*.

In March, companies were ordered to be raised at the expense of the state, and stationed at Falmouth, Cape Elizabeth, Kittery, Newburyport, Gloucester, Salem, Marblehead, Plymouth, and Dartmouth. There were already several companies raised by the state at different places round the harbour of Boston, besides the two continental regiments, generally on this station, when not ordered away to head quarters on some sudden

emergency. They were so ordered to Rhode Island, on two occasions; once to the head quarters of Washington, and once to the northern department. And in all these instances, the militia were embodied for the public service, until the troops enlisted by the order of Congress could relieve them. In the same month, when there was an alarm at Boston, after the continental regiments had marched, by consent of the legislature, to strengthen the main army, and general Washington was requested to furnish some regular troops, he could not prudently comply with the request, and the state was obliged to call out the militia for its own protection.

In April, 1500 of the militia from the counties of Hampshire and Berkshire were ordered to Tyconderoga. The regular regiments of Massachusetts were not yet even entirely full; and the British had commenced hostilities with a force much superior to that employed by them in that quarter, the preceding year. A regiment of artillery, in addition to the one raised for the continental service, was ordered to be enlisted for the particular defence of the state; but liable, however, by direction of the General Court, to do duty in any part of the Continent. And upon an urgent request of the governor of Rhode Island, an additional number of the militia of Suffolk and Bristol were marched to Providence. At this period, there still remained a large body of the enemy at Newport, and several ships of war were in the waters in that vicinity; by which the people were kept in a constant state of alarm; and the principal force which could be had to oppose them was the militia of that state and of Massachu-

setts and Connecticut. Each of these, especially the two last, had several regiments of this description of troops employed in other places. General Spencer of Connecticut commanded on that station; and the great object was to defend the country and to prevent all attempts at further invasion. The British were too powerful, especially as they had command of the bay and river, to justify the Americans in an attack; though at a subsequent period, it was supposed they might have acted with more effect and with success, if the commander had been more resolute and energetic. It was important in the opinion of judicious individuals, that the enemy should be driven from their station on Rhode Island, and that an attempt should be made for that purpose. The General Court of Massachusetts sent a committee to Providence, to consult with the governor of Rhode Island, for such an expedition, as well as for the defence of that state; and they were authorised to promise 5000 men, in addition to 2000 already there from Massachusetts. But no plan was settled for the purpose at that time; though a considerable force was kept up through the season. The militia of Massachusetts, who had been on that station for two months and some even for a longer time, were relieved by 1500 others, early in June. And these again, after a short period, were permitted to return home, two regiments being raised for six months, to take their place. At this session of the legislature, a resolve was passed, requiring all the militia of the state to be equipped, and ready to march at the shortest notice.

Samuel May Holland

April 28

A. 1825

CHAPTER VI.

General Court 1777... Expedition to Nova Scotia... Constitution prepared by General Court, and rejected by the people... 4th of July... Militia to reinforce northern army... Secret expedition to Rhode Island... Bourgoyne checked and captured... Affairs at the south... Capture of captain Manly.

WHEN the General Court was organized in May, this year (1777) it assembled in Boston. The representatives from that ancient town were not so numerous as the preceding year; there being only six returned, when for the former year there were twelve. The members of the supreme executive council, with the exception of a small part, who declined a re-election, were the same as the year before. A board of war was again chosen, to attend to the pressing demands for military stores; and committees appointed, for furnishing clothing and provisions for the great body of troops, which the state had to support. They were estimated at about 12,000, besides militia, and those engaged on the sea coasts within its own jurisdiction.

The state incurred considerable expense in the month of June by projecting an expedition for the defence and relief of the people of St. Johns and other places on the bay of Fundy, who were friendly to the United States and called for assistance, as they were harassed and oppressed by the British

in Nova Scotia. The expedition was proposed with the consent of Congress; but it was prepared by the government and people of Massachusetts. A regiment was raised in Maine, and a naval force, such as was supposed would be necessary, was procured for the purpose. But unexpected difficulties arose in the prosecution of the plan; and after much delay, it was abandoned, in the form first intended. Some months after, however, a single company from Maine without exciting alarm in the British at Halifax, proceeded up to the head of the bay of Fundy, took a small fort there situated, and brought off several families, who were attached to the cause of American liberty, and obnoxious to the English government. It had long been meditated to afford assistance to the inhabitants of Nova Scotia, many of whom were supposed to be friendly to the rights of America. When general Washington was at Cambridge, and during the winter of 1776, it was represented to him, that an expedition to that province would afford relief to some well disposed citizens, and be of advantage to the other colonies. He sent two gentlemen at that time to learn the views and situation of the people in Nova Scotia. But they proceeded only to the lines of the province; and found it would be very hazardous to go further, as the British authority there was suspicious of all intercourse between the people of that province and Massachusetts. The Indians in that quarter manifested a friendly disposition. Some of them were taken into the pay of the state, and served with a battalion raised in the course of this year, for the defence of the settlements in the eastern part of Maine.

During the session in June, the House of Representatives and the Council formed themselves into a convention for the purpose of preparing a constitution, or frame of civil government for the state; and a committee of twelve was chosen to consider the important subject. The former General Court had advised the people to elect their next representatives for such an object. The majority of towns in the state, it would seem,* chose their representatives with this view, and gave, at least, an implied assent to this mode of forming a constitution; although Boston and several other towns were opposed to such a proceeding, and expressed an opinion, that a Convention ought to be called, to be composed of delegates for the express and sole purpose of preparing a form of civil government. This committee reported a draft of a constitution in January 1778, which the General Assembly submitted to the people; but which they did not approve.†

The fourth of July 1777, being the first anniversary of the declaration of the independence of the United States, was publicly celebrated in Boston, by order of the General Court, which was sitting at that time. A sermon was delivered by the chaplain before the representatives, councillors,

* It is presumed the representatives would not have proceeded to prepare a constitution, unless the greater part of the towns in the state had authorised the measure. No document can be found in the secretary's office, to determine how many towns voted for it. The committee was composed of the following gentlemen:—I. Powell, T. Cushing, D. Davis, I. Taylor, of the council; and J. Warren, R. T. Paine, A. Orne, J. Bliss, J. Prescott, J. Pickering, G. Partridge, J. Simpson, representatives.

† See Appendix

and other public characters, military and civil. There was also a military parade on the occasion, a public dinner, and other demonstrations of gratitude and joy.

At this session, the legislature ordered specie, to a considerable amount, to be sent to persons in prison at New York, belonging to the state, whose privations and sufferings were represented to be very severe. It was forwarded to general Washington, with a request that he would send it into New York by a flag of truce, and take suitable precaution, that it should be safely delivered.

At this period, more of the militia were ordered from Hampshire and Berkshire counties, to reinforce the northern army. And a few weeks subsequently, the enemy having taken Ticonderoga, an additional number was required to proceed to that quarter, not only from those two counties, but from Worcester, Middlesex, York, and also from Suffolk and Essex, except from Boston and the regiments in Essex on the sea coast. This was an urgent call; and every seventh man was ordered to be marched off with the greatest dispatch.* General Heath was specially desired by the House of Representatives to ascertain what deficiencies there were in the regular regiments ordered to be raised by the state, and to use every effort to complete the battalions which were not already full. Large sums were also appropriated for purchasing provisions and clothes for the troops on the lake; and for rendering the road passable through the

* In the address of the General Court to the people, on this occasion, they said, "we rely upon that public virtue, and that unbounded love of freedom and of their country, with which the militia of this state have always been inspired."

the western part of the state, and over the green mountains in Vermont. In this month (August) a day was observed for fasting and prayer, on account of the distresses of the people and the alarming prospects of the country.

The repeated successes of the British in the northern department, under general Bourgoyne, had justly excited great apprehensions, that he would make his way to Albany, unless soon checked by a strong reinforcement from the militia of the New England states. Should he succeed in such a plan, he would be joined, it was believed, by the British forces near New York, a part of which was then already endeavouring to ascend the Hudson, for the purpose of a junction with the troops under Bourgoyne. The southern and northern states thus separated, it would be comparatively easy to subdue them. No time, therefore, was to be lost, in preparing to prevent the execution of such a project. It was seen, that all possible effort was demanded to save the country, and to defeat the bold schemes of the enemy. Although there had then been a large portion of the militia of the state, not in service at Providence and on the sea coast, ordered to reinforce the army under general Gates, who had then recently been appointed to the command in that quarter, it was immediately resolved to send on an additional number; and *one half* the residue in all the western counties, (excepting the south part of Worcester, from which large drafts had then lately been made for Rhode Island,) and in Middiesex and Essex. In the absence of the continental troops from Boston, who had also been ordered to join the army under general Gates, several companies of

the militia from Suffolk and Middlesex were called out to protect the capital, and to guard the military stores in that place, in Cambridge and Waretown.

An expedition was planned in September, by the General Assembly, with the knowledge and at the request of the governors of Rhode Island and Connecticut; the object of which, though not publicly known at the time, (for it was called a *secret* expedition,) was to make an attack upon the enemy at Newport, in the hope of forcing them to retire from that place. It was ordered that 3000 troops be raised, immediately, from Bristol, Plymouth and Barnstable, and the southern parts of Suffolk, Middlesex and Worcester. The state regiment of artillery, under colonel Crafts, was also to make a part of the detachment. Two brigadiers were to be in the command; and the whole of the Massachusetts militia to be under major general Hancock, who was then absent from Congress, and resident in Boston. General Spencer of Connecticut commanded the whole force. After great exertions, the most of the men called for were raised, and marched to Providence and vicinity. But the British troops on Rhode Island, at this period, were numerous, and no attack was made upon them. Much blame was attached to the brigadier generals, and to Spencer, the commander in chief, and there was probably some foundation for the complaints against them. But the expedition was projected at a time when there were great demands upon the state for troops to reinforce general Gates, and it was impossible, perhaps, to furnish a force sufficient to have justified a descent upon Rhode Island. It was of great

service to the country, at that critical period, to have prevented the enemy on the Island, from extending their conquest to other places in the vicinity. There was a court of inquiry soon after; but both Spencer and Palmer, a brigadier of Massachusetts militia, who had been censured, were acquitted. There was evidence of some want of promptness on the part of Palmer; but it was excused, because of the difficulty of collecting the militia at the time appointed.

The affairs in the north, where the attention of the New England states was particularly directed, at this time, were now fast approaching to a crisis. Bourgoyne, who had been driving the American army before him for months, and capturing post after post, had penetrated so far into the country from Canada, that he could not retreat, without subjecting himself to disgrace, and his army to great loss, if not to total defeat. His hazardous situation was seen by the American general, and he meditated the capture of the conquering enemy. The militia were called for, and they marched with great spirit and dispatch. Those from New Hampshire and the grants, (afterwards Vermont,) were early assembled, and first taught the British regular troops, that the hardy yeomanry of the soil could oppose formidable obstacles to their progress. A detachment of the enemy, of about 1000 men, sent by general Bourgoyne to scour the country, to collect provisions, and to prepare for the reception of the whole British army, which, in the moment of success, was supposed could subdue the country, wherever it might choose to proceed, was attacked near Bennington by a party of the militia. under the brave and intrepid general

Stark, and totally defeated. He took 300 prisoners and two valuable field pieces, in the first attack. The enemy retreated, and were pursued by the Americans; and, though reinforced by 1000 fresh troops, Stark, with a small additional number who joined him, again gave them battle, and obliged them to retreat with great slaughter. Several other field pieces fell into the hands of the Americans, and upwards of 300 more of the British party were taken; making in the whole 650, besides nearly 300 killed and wounded. The total loss of the enemy was 930. This brilliant affair, while it convinced general Bourgoyne that the country would not be so easily subdued as he had imagined, gave great encouragement and confidence to the American troops.

The British army continued, indeed, to advance still further into the country, in the direction of Albany, in pursuance, probably, of an understanding with general Clinton, who was in the neighbourhood of New York, that he would pass up the Hudson and join Bourgoyne in that quarter. But the progress was slow, and every day's march manifested to the wary chief, the necessity of caution and circumspection. When he had advanced some distance south of lake Champlain, the Americans, under general Lincoln of Massachusetts, who had then lately joined the northern army,* made a diversion in his rear, and cut off all communication between the British camp and the fortresses which they had left. It remained now, that the British general must press forward, op-

* Lincoln was first selected by general Washington for this department, when Schuyler had the command there; "because of his great decision and energy of character."

posed as he was by a very powerful force under general Gates, or attempt to return to his forts on the lake, which would be almost equally hazardous. Leaving a number of men at fort Independence, on the southern border of the lake, Lincoln joined the main army under Gates, to act in concert against the enemy. On the 19th of September, a severe and almost general action took place between the two armies, near Saratoga. The advanced guards of the Americans were attacked by three regiments of the British, about a mile in front of their main body, when, after an obstinate resistance, the latter were obliged to retire with considerable loss. But they were soon reinforced, and resumed the attack. The advanced party of the continental troops received support from Arnold's division; and thus united, they were able to check the enemy, the greater part of whose whole force was soon brought into action, for the safety of the party first engaged. The Americans maintained their position, although not more than half the troops under general Gates was on the field. The loss of the British was reported to be about 1000, in killed, wounded and taken; and the Americans did not exceed 320.

Another attack took place on the 7th of October, by the right wing of the British attempting to take post on the right of the Americans. The scouts of the latter were driven in, and the former advanced rapidly. Three regiments of the Americans were ordered to receive them, who met them when they had approached within a mile of their lines. Each party pushed for an eminence, which was situated between them; and the Americans had the good fortune to gain it. The en-

gement continued through the afternoon without intermission. The enemy soon fell back, and were closely pursued a distance of nearly two miles. The continental troops entered one of the British entrenchments sword in hand. The evening being very dark, they could not with prudence attack any other posts. They halted for the night within half a mile of the main body of the enemy. Bourgoyne moved off silently during the night to a distant position, which was more strongly fortified. On the following day, there were frequent skirmishes, between the advanced parties of the two hostile armies; many were wounded on both sides, and some of the British were made prisoners. In reconnoitering the enemy's movements, general Lincoln was wounded in the leg; which obliged him to retire from the public service for several months. It was supposed he must have submitted to the amputation of his limb; but he recovered without so great a loss; and soon after joined the continental army in the southern department.

Among the many American officers who were distinguished in these several engagements, were colonel Brooks of Massachusetts and major Dearborn of New Hampshire. On the 19th of September and the 7th of October, they conducted with great spirit and bravery: and Brooks was the last who left the ground on the evening of the 19th after the enemy retired. Colonel Colburn of the Massachusetts line, who was killed in the battle of that day, was much lamented. Colonel Francis, a highly meritorious officer of the Massachusetts line, was killed at an earlier period of this campaign. He had command of the rear of the American troops on the retreat from Ty-

Y conderago in August, when St. Clair was general in chief in that quarter. He was overpowered by a superior force of the pursuing enemies; and received a mortal wound, while bravely attempting to protect his men from their avenging arm. The British lost many officers of high rank and great merit. General Frazer, who was killed on the occasion, was considered one of the first military characters in their army. And he was also beloved for his accomplishments and virtues as a man.

General Bourgoyne, receiving no reinforcements, and surrounded by a numerous army, found himself obliged on the 19th of October to surrender his troops as prisoners of war to the Americans. They were marched to the vicinity of Boston; and barracks were provided for their reception, on Prospect and Winter Hills. The greater part of the continental army, after the capture of Bourgoyne, was ordered from Saratoga to join general Washington near Philadelphia; and soon after went into winter quarters at Valley Forge.

General Stark of New Hampshire, who commanded the militia in the brilliant affair of Bennington, presented to the legislature of Massachusetts several military articles taken from the British on that occasion. A letter of thanks was written to general Stark by order of the assembly; and it was voted "that the trophies should be preserved in the archives of the state." They have a conspicuous place in the spacious room occupied by the Senate.*

* A present was ordered by the legislature to general Stark, of a suit of clothes and a piece of linen. At the present time, it may appear an insignificant gift; but it should

The greatest portion of the British troops in America were, during this year, in the vicinity of New York, in New Jersey and on the Delaware near Philadelphia, under general Howe, the commander in chief of all the English forces on the continent.* To watch his motions, and to protect that part of the country from depredations, was the arduous and responsible duty of general Washington. He had not a sufficient force, at any time, to justify him in seeking a general engagement with the British; and one unfortunate battle, on his part, would have put the country in imminent danger of an entire and speedy conquest, by the enemy. In his situation, it was the dictate of patriotism as well as of prudence, to act chiefly on the defensive. Yet there were occasions, when Washington thought it necessary, as in the affairs of Trenton and Princeton the preceding year, to engage in more decisive operations. Towards the close of August, lord Howe landed a large force from New York, near the mouth of Elk river, of about 25,000. General Washington marched from the vicinity of Philadelphia where he then was, to Wilmington, a few miles from the position which the enemy occupied. Congress called upon the militia of Pennsylvania and New Jersey, who collected under generals Cadwallader and Dickinson; and general Sullivan with his division was

rather be considered as proof of their poverty, than as want of gratitude or of a just appreciation of his great merits.

* The whole number of British troops in America, before the capture of Bourgoyne, was estimated at 50,000. From the beginning of 1775 to October 1777, inclusive, their loss was said to be as follows, 9,000 killed 11,000 wounded, 10,000, prisoners; making about 30,000 in the whole.

directed to join the main army under Washington. The British approached the Americans within two miles ; but soon filed off, with a view to possess themselves of a fort on the heights of Brandywine. Washington, aware of their intention, detached general lord Sterling with a division to anticipate them. The following morning, September 11th, a general action commenced, which continued, with different degrees of intenseness through the day. The British were greatly superior to the Americans in number. But through the skill and activity of general Washington, and the gallantry of the officers and men under his command, the Americans maintained their position during the whole day ; and in the night, retired in good order, without being pursued by the enemy. General Washington had almost 1000 men killed and wounded ; and the loss of the British was reported to be double that number. The marquis de Lafayette, a French nobleman of great merit, who had a short time before joined the American army, and was acting as a volunteer, received a severe wound in this action. Captain Bryant, a brave officer in the Massachusetts line, from Boston, was slain in this battle : and in November, a captain Treat of Boston was killed in the attack upon Fort Mifflin on Mud Island, who was highly esteemed for his intrepidity and courage. On the fourth of October another action took place between the continental troops and general Howe, at Germantown, within eight miles of Philadelphia. The enemy were then stationed in that city, of which they took possession a few days after the affair at Brandywine. The British general, having detached a part of his

troops, with a view to reduce some posts on the Delaware possessed by the Americans, general Washington, with advice of his officers concluded to make an attack upon the British force stationed at Germantown. In the first attack, the Americans were successful; but the morning was very foggy, and the plans of Washington were interrupted; so that the result was not such as was promised by the good fortune of the morning. Two separate divisions of the continental troops mistook each other for the enemy, which was the occasion of much embarrassment and misfortune. The British gained nothing in this affair; and the Americans lost neither reputation nor stores. Their loss of men was not great, though several brave officers fell in the battle; among whom was brigadier general Nash of Carolina. Sullivan and Greene distinguished themselves on this occasion; and were particularly applauded by the commander in chief, who was in the field through the whole engagement.

In the summer of 1777, captain Manly in the Hancock, a public ship of thirty two guns, was taken by a British forty gun ship, commanded by sir George Collier. A few days before this unfortunate affair, Manly captured a sloop of war of twenty eight guns. He was exchanged the next year, and appointed to the command of a larger frigate.

CHAPTER VII.

Taxes... Men raised for defence of the state, and for the continental army... Addresses to the people... Confederation... Judges... General Court sit in Roxbury... Constitution disapproved in 1773... British at Newport... French Fleet... Americans retreat... Lafayette... Fort Alden taken... British commissioners offer terms of peace... General Gates commands in Boston... Opinion of British statesmen.

AFTER a short recess the first of November, (1777) the General Court met in the latter part of that month and found several important subjects demanded attention. Congress had then recently recommended to the states to raise by tax, five millions of dollars; and the amount required of Massachusetts was 820,000, a quarter more than any other state. The legislature, soon after, resolved to raise 75,000*l.* immediately by loans, and laid a tax also of 240,000*l.* Massachusetts was, at this time, much in advance to the United States, and appointed agents to request an adjustment of its claims. The period, for which the militia at Rhode Island and the companies on the sea coast had engaged was about to expire; and it became necessary to provide for the enlistment of others to supply their places. It was accordingly ordered, that two regiments be raised for a year, to serve in Rhode Island or in any of the New England states. Some of the militia were also called out for the defence of the sea coast, at

the same places as had been guarded the year past; but in some towns, a less number was provided. Detachments were ordered, likewise, on the request of general Heath, still commanding on the Boston station, from the militia nearest to the metropolis, amounting to about a regiment in the whole, to serve as guards for the public stores, and for the defence of that place and harbour. The court loaned general Heath, at this time, \$30,000, for the continental service: and to do this, they were obliged to borrow it of individuals.

In February 1778, a committee was sent by the legislature of Massachusetts to confer with general Washington upon the expediency of raising more men than the quota before required, and to consult him as to the time, for which it would be necessary to engage them. This committee were particularly instructed "to assure him that this state, in testimony of their peculiar affection and respect for him, which he had so highly merited by his incessant and unwearied exertions in behalf of the country, as well as from what they owe to the common cause, will cheerfully co-operate with him, as far their ability will admit, in endeavours to expel the enemy, and to free America from thralldom and slavery." Soon after, the assembly voted to furnish, gratis, a full suit of clothes to every soldier from Massachusetts in the continental army. The field and other officers who had been some time in the service, and engaged still to continue, had an additional sum granted them; the former 150 dollars, and the latter 120. Many of the officers had then recently resigned their commissions and returned to their families; which were in such destitute circumstan-

ces, as to induce even those who were truly patriotic to return home.

Soon after the return of the committee from their visit to general Washington, the legislature of Massachusetts issued fresh orders to those towns which were still delinquent in raising their respective quotas of men for the three years' service, and subjected such as did not immediately comply, to a heavy fine; and the attorney-general was directed to prosecute them. As it was difficult to prevail on men to engage for so long a period, it was resolved by the General Court, a few weeks after, to raise 2000 men for eight or nine months, to fill up their sixteen regiments in the continental establishment. For this purpose, a particular number was required of each town in the state; and committees were also appointed in every county to hasten the enlistment, and to send on the men to the army under general Washington. All those towns which should have their respective numbers raised by the first of May, were promised a bounty. The board of war in Massachusetts was also required to furnish arms, and such other accoutrements as should be necessary for their equipment. The same week that this order issued, the Assembly resolved to raise 1500; 1300 of which were to be stationed on the northern frontier, for eight months, and 200 for the defence of Rhode Island. These men were called out by particular and urgent request of Congress. The force of the enemy was still great at that place; and it was thought necessary to keep a number of troops in that quarter, to prevent their predatory incursions into the surrounding country.

To animate the people to patriotic exertions at

this critical period, when the country was as much exposed as in any former season, and when extraordinary efforts were necessary to justify any hope of success, addresses were prepared and published by Congress, and by the legislatures of several of the States, as well as by many individuals, who were deeply impressed with the danger which impended. Language such as this was used :—"Act like yourselves. Arouse at the call of Washington and of your country, and you will soon be crowned with glory, independence, and peace. Present ease and interest we must part with for a time ; and let us rejoice at the sacrifice."—"What words can paint the solid joys, the delightful recollections, which will fill the patriotic mind hereafter. He who wishes for permanent happiness, let him now put forth all his strength for the immediate salvation of his country, and he shall reap immortal pleasure and renown. It is good for us to anticipate the joy that will fill our minds, when we shall receive the reward of our labours ; when we shall see our country flourish in peace ; when grateful millions shall hail us the protectors of our country, and an approving conscience shall light up eternal sunshine in our souls."—"Considering the noble ardour which has been heretofore manifested in the common cause, we feel confident that the virtuous yeomanry will take particular pleasure in complying with the call of Washington and of Congress. It is hoped that the ensuing campaign will make the enemy repent their execrable purpose of enslaving a free people. For the sake of liberty, let not our expectations be disappointed for want of men and means, which we are still able to furnish. We are convinced you will exert

yourselves. Your country calls : and to the call of your country you were never deaf."

The authority of Congress had hitherto been only advisory, though the legislatures of the several States had such confidence in the wisdom and patriotism of that respectable body, as almost invariably to comply with its requisitions. The importance of a general and consistent course of policy for the whole country was, indeed, very evident to every intelligent citizen ; and the advice of Congress was accordingly received with a regard, little less than could be given to the most perfect authority. This was particularly the case for the two first years of the revolutionary war. But difficulties arose in this unsettled state of the powers of Congress ; and the country suffered from its want of authority to enforce obedience to orders calculated for the common welfare. In December, 1777. a plan was proposed by that body, "of confederation and perpetual union between the thirteen United States." embracing a number of articles, defining the power to be exercised in future by the delegates from the several States, in Congress assembled. These articles were submitted to the legislatures of the respective States in the Union. Boston, and some other towns in Massachusetts, expressed an opinion in favour of the adoption of this plan of confederation. The General Assembly, at a session in the following year, declared its approbation of the articles submitted by Congress, and authorized their delegates to ratify them on the part of the State. Maryland did not consent to the plan till 1781.

In February, 1778, the Hon. John Adams was appointed by Congress an envoy to the court of

Versailles; and soon after embarked at Boston in a continental frigate, which was prepared to convey him to France. Mr. Adams remained some-time at Paris, and afterwards resided in Holland, as minister to the United Provinces. He was an able negociator, and rendered essential services to his country while in Europe. The delegates to Congress from Massachusetts for this year, were Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, and Samuel Holten. William Cushing, Foster, Sargeant, Sullivan, and Sewal were Justices of the Superior Court of Judicature at this time, and R. T. Paine, attorney-general of the State. The General Court was prorogued, early in March, to the month of April; and it was ordered then to be convened in the town of Roxbury.* The small-pox was then raging in Boston: many of the representatives were alarmed on this account, and a vote was therefore passed for meeting at the former place. Before the adjournment, power was given to the Council to provide for the defence of the State, should the exigency demand any particular expense. They were also authorized to call out the militia, to any number, not exceeding 3000, should they be required by general Washington. He did not call for any; but two large detachments were ordered to be enlisted soon after, during the months of April and May.

The committee of the General Court reported

* When the General Court was in session in April, their chaplain, Rev. Dr. Gordon, was dismissed, for some free remarks written by him, and published in the newspapers, in which the court was charged with *intrigue*, in their conduct respecting the newly proposed constitution. Gordon was a zealous whig, and an active politician. He was the author of the history of the American war.

a draft of a Constitution, in December, 1777, but it was not considered by the whole Court till February following; it was then approved by the legislature, and in March, ordered to be submitted to the people. Two thirds of the votes given in were to decide in favour of its adoption: all free males of the age of twenty-one were allowed to vote; and for any alteration, it required two thirds of the inhabitants. It did not receive the approbation of the citizens;* and a very general opinion prevailed, that a convention should be called, consisting of persons to be chosen for that particular purpose.† There were many objections to the constitution prepared by the General Court. That it contained no declaration of rights which belonged naturally to the people, was considered an essential defect. The principle of representation was said to be unequal, because the smallest towns were allowed to have one deputy; and others, if not containing more than 300 polls, to be confined to that number. But a rule not very different from this was admitted in the Constitution afterwards adopted. The governor and lieutenant-governor were to be members of the Senate; the former to preside over the deliberations of that body. The senate was to consist of twenty-eight members; Suffolk, Essex, and Middlesex were to elect ten; Plymouth, Bristol, Barnstable, &c., six;

* There were 10,000 votes against it, and only 2000 for it: and 120 towns made no returns.

† The citizens of Boston voted unanimously against this constitution. They were also for a convention for the sole purpose of preparing a new one: and they were further of opinion, that a thing of so much importance should not be hastily decided. but be postponed to a period of more tranquillity.

Worcester, Hampshire, and Berkshire, eight ; York and Cumberland, three ; and Lincoln, one. The Judges, Secretary, and Treasurer, to be chosen annually, by the General Court ; and other officers, civil and military, by the governor and senate. The Protestant religion to be professed by all officers and legislators ; but full toleration to be enjoyed by all religious denominations. The powers and duties of the legislators and of rulers, it was also objected, were not accurately defined.*

The British troops evacuated Philadelphia in June, after having been in possession of that city for six months, and began their march through New Jersey, for New York. General Washington immediately resolved to pursue them, and if a favourable occasion should present, to attack the rear of the army. The march of the enemy was unusually rapid, for they had the precaution to send on most of their heavy baggage before they left Philadelphia. By great efforts, however, an advanced party of the American troops came up with a division of the British, near Monmouth court house, and immediately attacked them. In the mean time, other troops, detached for the purpose by Washington, arrived, and the action soon became very general between the two armies. The judicious plans of the commander in chief were defeated, through the criminal neglect or the mistaken judgment of general Lee, who had been early sent on to take command of the advanced troops. A great portion of the men engaged in this battle were from Massachusetts. General Knox, who commanded the artillery, received the particular approbation of Washington.

* The constitution prepared in 1778, and rejected by the majority of the people, is printed at the close of this volume.

General Wayne, of Pennsylvania, greatly distinguished himself in this affair. The enemy suffered severe loss. The killed, wounded, and missing, were upwards of 2,000; while those of the Americans did not exceed 350; many of whom perished through fatigue, on account of the intense heat of the weather.

A large British force remaining at Newport through the spring and summer of 1778, and their fleet having command of the waters in the neighbourhood, the people of Massachusetts, especially in the southern parts of it, bordering on the State of Rhode Island, were kept in continual alarm; and the General Court had a great duty to perform in furnishing men for the protection of that part of the country. There were but few continental troops on that station, and the militia were in service there, in greater or less numbers, for the whole of this, as they had been most of the preceding year. The enemy landed about 600 men, in the month of May, at the town of Warren in that State, and burnt vessels, dwelling houses, and public buildings, insulted and abused the inhabitants, and took away much personal property. Colonel Barton, of that State, was ordered by General Sullivan, then in command at Providence, to meet them. Before he reached the place, the British were retreating; but he pursued them, and did them much injury before they reached their boats. A considerable number of the enemy were killed and wounded in this affair. During the same month, they landed at the southerly part of Freetown, at a place called Fall river, and burnt a mill, and some other buildings; but the militia soon collected, and obliged them to take to their boats, and retire.

General Bourgoyne had left Prospect hill, and major general Phillips was the first officer of the British troops then prisoners of war, quartered at that place. He was represented as a conceited and irritable character, and seemed to suppose that he and his troops, though captives, might commit any irregularities with impunity.* One of his officers, returning from Boston, in the month of

*The moment general Phillips heard of this unfortunate event, he wrote general Heath the following note—

CAMBRIDGE, JUNE 17, 1778.

“Murder and death have at length taken place; an officer riding out from the barracks on Prospect hill, has been shot by an American sentinel. I leave the horrors of that bloody disposition, which has joined itself to rebellion in these colonies, to the feelings of all Europe. I do not ask for justice; for I believe *every principle of it has fled from this province*. I demand liberty to send an officer to general sir Henry Clinton, by way of the head quarters of general Washington.

WM. PHILLIPS, major general.”

General Heath had previously written to general Phillips, on hearing the unhappy affair; but Phillips had not received it, when he wrote his note. If he had, perhaps he would have used different language. Heath’s letter is here given—

HEAD QUARTERS, BOSTON, JUNE 17, 1778, 8 o’clock P. M.

“Sir,—I am this moment informed that an officer of the convention has been shot by one of our sentries. I have ordered the man into close confinement, and have directed the town major to desire the coroner of the county of Middlesex to summon a jury of inquest to sit on the body; and I desire that it may not be moved until that step be taken. I can only say, that you may be assured, I will take every measure in my power, which honour and justice require.

I am, Sir, &c.

W. HEATH.”

General Heath answered the note of Phillips in a very spirited manner, and ordered him to be kept within very narrow limits.

June, to the British barracks, in company with two females, was hailed by the sentinel; and refusing to answer, though the call was repeated, was shot dead on the spot. Phillips and his officers were greatly enraged; and pretended it was barbarous conduct, and not less criminal than murder. He *demand*ed of general Heath, who had command of the continental troops employed as guards of the British prisoners, that the sentinel be immediately punished as a murderer. He also *demand*ed a messenger to convey a note of complaint on the subject to general Clinton at New York. But neither of his demands was granted. And the proud British officer had to submit to this neglect of his requests; and to resign himself to a decision, which the impartial considered fully justified by the circumstances of the case.

In the month of August, the plan was renewed of preparing a powerful force against the enemy at Newport; and if possible, to dispossess them of that place, where they were giving constant alarm to all the New England states. General Sullivan, with a considerable number of continental troops, was now on that station; but it was believed that the aid of the militia, to a large amount, was necessary to give any hope of success to the undertaking. There were already some of the militia of Massachusetts doing service in that quarter. But others were ordered out, and several volunteer companies marched there, at this period, from Boston, Salem, Beverly, Gloucester, Newburyport, and some from towns in the province of Maine. The whole constituted a respectable force. But the British were equally numerous, being estimated at 7 or 8000; and they were strongly fortified

in the town of Newport. A large French fleet, then recently arrived on the American coast at the south, directed their course for Rhode Island. The plan was for the Americans to attack the British at Newport, whenever the French fleet should arrive to co-operate with them. The Americans passed over to the island, and advanced by degrees, to a short distance from Newport, and began to throw up fortifications for defence. In this situation they remained several days, waiting the return of the French fleet, which had gone out to look after a large squadron of the enemy, then recently sailed from New York, with the intention of relieving the detachment at Newport. The French fleet encountered a severe storm, at a little distance from Newport, in which they received much damage; and a part of them had a short engagement with the fleet of the enemy.*

The British made an assault upon the American troops, who were posted at their entrenchments, then lately thrown up in the neighbourhood of Newport; and were received with great spirit and bravery. They were engaged the most of the day; and many men were lost on each side. The Americans maintained their ground, but had little reason to boast. A few days after, the enemy received reinforcements from New York; and general Sullivan, by advice of a council of war, concluded to leave the island. The retreat was conducted with great order, and without any loss on the part of the American troops. This was just matter of satisfaction, as the British forces

* When it was known that the French would not aid in this expedition, most of the volunteers, and a part of the militia, left the island.

were then greatly superior, and they also had a large fleet in the harbour and vicinity of Newport. And yet the issue was not such as had been, at one period, confidently anticipated. Great hope had been indulged from the assistance of the French. The want of success in this expedition was the more mortifying, as it was the third attempt made, within eighteen months, to drive the British from this part of New England.

The Massachusetts militia were commanded on this occasion by major general Hancock, who happened to be on a visit to Boston, during a recess of Congress. He readily undertook this expedition, which engaged the particular attention of the General Court, and of the individual citizens of all classes. General Greene and the Marquis de la Fayette also joined this expedition as volunteers, a short time before the Americans returned from Rhode Island; and rendered great service in conducting the retreat of the troops under general Sullivan. General Lovell, who had the immediate command of the militia from Massachusetts in the action, and his officers and men behaved with great intrepidity. Colonel H. Jackson commanded a regiment of infantry, and colonel Crane of artillery, both of Massachusetts; and received the particular approbation of general Sullivan for their activity and courage. About two hundred men were killed and wounded in this engagement; among the latter was one field officer; and of the former, two lieutenants belonging to Boston and in Jackson's regiment.

The French fleet repaired to the harbour of Boston, after the disasters of the storm, where they remained some time to refit and to obtain

provisions. They sailed for the West Indies in the month of November. La Fayette visited the capital of Massachusetts, for the purpose of conferring with the French admiral.* He had then been in America about eighteen months; and the zeal, which he manifested, at the first moment he declared himself friendly to the cause of American liberty, had not abated. Having for some months served as a volunteer and without any commission, he was afterwards appointed a major general by Congress; and enjoyed in a peculiar degree the confidence and esteem of Washington. He was extremely anxious that the French admiral should afford all possible aid to the Americans; and his short visit to Boston, at this time, was to prevail on count D'Estaing, to return to Newport immediately, and to remain on the coasts of the United States for the purpose of co-operating with the army under general Washington against the British; and not to depart to the West Indies, where he meditated passing the winter. It was also believed that the marquis had great influence in persuading the French court to form a treaty with the United States, and to send out a formidable fleet for their assistance. Soon after this period, the marquis again visited Boston and took passage for France. "Congress had given him leave to visit his family," as he was pleased to call it: for though he could have visited France at his own pleasure, he chose to ask the consent of Congress and of Washington,

* He was in Boston but a single day, at this time; he hastened back to Rhode Island with the greatest speed, and arrived in season to assist in conducting the retreat of the American troops.

and to obtain a furlough for the purpose, being desirous of retaining his commission and rank in the American army.*

The French fleet had not been in the harbour of Boston many days, before the British squadron appeared in the bay, within Cape Cod, and it was believed that they meditated an attack upon the ships under command of count D'Estaing. This caused great alarm to the people in the vicinity; and nine regiments of militia were marched into the capital. They were soon discharged, as the British fleet disappeared from the coast without making any attack upon the French. Several of the enemy's ships sailed from Newport harbour, the first of September, and landed a number of troops at Bedford village in Dartmouth. They did much injury to the town, by burning the vessels lying at the wharves, about seventy in number, and the greater part of the houses in the settlement. The troops marched up the country, near the river, four or five miles; and returning on the opposite side, embarked before the inhabitants were able to collect in sufficient force to oppose

* After a period of forty-six years, this highly distinguished person, who in his youth devoted himself, with a singular ardour and disinterestedness, to the cause of America, and who in his native country had made great exertions and sacrifices in the cause of liberty, visited the United States. In August 1824, he landed at New York, where he was received with every mark of respect and affection; thence he visited Boston and other large towns and cities through the nation; in all which he was greeted with a joy and enthusiasm, which no individual but Washington ever received in this country. Every one bid him welcome with most lively gratitude; and public functionaries united in presenting their tribute of esteem and admiration, such as the most celebrated heroes of antiquity could scarcely boast.

them. From Dartmouth the enemy proceeded to Martha's Vineyard, and made a requisition upon the inhabitants of fire arms, money, cattle and sheep; and of the latter, they took off nearly ten thousand.

In November, a party of continental troops of about two hundred and fifty, under command of colonel Alden of Massachusetts, were suddenly attacked by about seven hundred British soldiers, royalists and Indians, at Cherry Valley, seventy miles west of Albany; and the greater number were killed or taken.* They had been stationed in that place for the protection of the inhabitants in that thinly settled country, who were exposed to incursions from the Indians and Canadian royalists. They had erected a fort, and given it the name of their commander. Colonel Alden had some intimation of the approach of the savage enemy the evening before, and placed sentinels at the two only roads by which it was supposed they could come, to give the alarm. But they approached by an old Indian path, not generally known or travelled. The fort was surprised at an early hour in the morning. The colonel and some other officers were at their lodgings in a house, a very short distance from the fort. When the alarm was given, colonel Alden directed the others immediately to repair to the fort; he delayed only a moment to throw his clothes about him, but in following them was shot down and scalped. The fort was defended by the brave major Whiting of Dedham and adjutant Hickling of Boston, who were the chief in command, after the death of

* Thirty were killed, and forty taken prisoners.

their colonel and the capture of lieutenant colonel Tracey. A party of militia arrived for their support, towards the close of the day. The officers and men who were taken were treated with great indignity and cruelty. Many of the inhabitants were taken and carried off by the Indians; and those who escaped, were left destitute of shelter and of support. Their humble dwellings were burnt, and their property taken or destroyed. The settlement contained about two hundred inhabitants. Colonel Alden was an intelligent and brave officer: and commanded the 7th regular Massachusetts regiment. He was a lieutenant colonel of a regiment of minute men, raised in Plymouth county early in 1775, and marched to Roxbury, on the alarm of the 19th of April.

In the summer of 1778, three British commissioners arrived at New York, especially authorised by their government to make propositions for a suspension of hostilities, with an ultimate view to reconciliation and peace with America. They addressed Congress on the subject; but they were also instructed to treat with any individual state. It was considered an artful plan to gain time to reinforce their army, to detach the United States from all connexion with France, with whom they had then recently made a treaty; or, if possible, to distract and divide the councils of America. For they believed that some of the people in the country were wearied with the expense and trouble of war, and would be ready to return to their allegiance to the crown of England, upon a probability of pardon. Congress rejected these offers. They disapproved the terms proposed; for they had little faith in the mere promises of the minis-

ters ; and they were now determined to insist upon independence. The people and their representatives in the several states applauded the firmness of Congress. They were not disposed to give up their rights to self government, or to throw themselves upon the clemency of the king and his ministers, who would grant such favours merely as it might seem fitting to their views of government to allow.

The conduct of the British ministers, in sending commissioners to America with such propositions as they were directed to make, was not less censured by many statesmen in England, when they learned what terms had been proposed, than they were by Congress. A noble lord in the House of peers, speaking of the proclamation issued by the commissioners, when they found their proposals were rejected, which threatened future vengeance to the Americans, said, "it was a proclamation contrary to humanity, to christianity and to every idea of virtuous policy." A reverend bishop observed, "he saw in the account of extraordinaries, that charges were made for the *tomahawk* and *scalping knife* ; and that he supposed, from the proclamation, such expense would be continued. It is our duty," he added, "to soften the horrors of war and to act as christians." Lord Camden said "the proclamation held forth a war of revenge, such as Moloch in Pandemonium advised ; that it would fix an inveterate hatred in the people of America against the very name of Englishmen, which would be left as a legacy from father to son to the latest posterity." He said "they should consider that they were christians, and that their enemies were the same." In the House of

Commons, Mr. Burke asked—"against whom are these dreadful menaces pronounced? Not against the guilty; but against those, who, conscious of rectitude, have acted to the best of their ability in a good cause, and stood up to fight for freedom and their country."

Major general Gates arrived at Boston in November 1778, to take command on that station. There was great reason to apprehend an attack from the enemy, at the time, upon some part of the state. He remained at Boston and Providence through the winter; and when he left Massachusetts in April 1779, he publicly expressed his approbation of the conduct of the people and of the legislature; and particularly eulogised the battalion of state troops, at one time commanded by colonel Crafts, but then under command of lieutenant colonel Revere.

Samuel May Holland
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April 28

1815

Geo. Bancroft. 1833.

CHAPTER VIII.

Refugees . . . Taxes . . . Law against Extortion . . . Scarcity . . . Various measures of defence . . . Depreciation . . . New calls for militia . . . Convention for new Constitution . . . Large sums called for by Congress . . . Penobscot Expedition . . . Conventions to prevent extortion . . . Additional troops, both for state and continental service . . . Public Fast . . . General Lincoln in Georgia and South Carolina . . . Constitution formed and accepted . . . Order of Congress to call in paper money . . . Debt of the state . . . Complaint of the people . . . Troops in Maine . . . Academy of Arts and Sciences . . . Dark day.

AT the session of the General Court in October, 1778, an act was passed, forbidding certain individuals, formerly citizens of the state, who had left the state and joined the enemy, to return; and requiring them, if they came into the state, immediately to depart out of the country; and making it a capital crime, if they should presume, a second time, to come within their jurisdiction, unless special permission was first obtained. There were nearly three hundred persons named in this prohibitory statute. There were, however, some among them, who had never taken an active part against the country; and were not, therefore, really deserving the severe punishment which others justly merited. Some of those named in the act had leave afterwards to return into the state, and to remain. But the greater part never discovered a disposition to return; and they had proved them-

selves too decidedly hostile to the liberties of the country, to be indulged with the privilege, had they desired it.

In January 1779, Congress called upon the several states to raise \$15,000,000. The sum apportioned to Massachusetts was \$2,000,000; and the amount was to be passed to the credit of the United States, to be accounted for on an adjustment between the state and the continent at a future day. The sum required of Massachusetts was to be expended by the state, but for the purposes of general concern and utility.

The complaints of the people in most of the states had become so loud and so general, on account of the prevalence of extortion and monopoly, that in January 1779, Congress was led to inquire, whether it were not practicable to provide a preventive. They were of opinion that *regulating* statutes were necessary; and divided the thirteen states into two districts; advising that a convention in each be holden, to fix and regulate the prices of the common articles of living.* A convention of delegates from the northern district was held at New Haven, who formed a plan for regulating prices, and preventing extortion. The plan was adopted and carried into effect by most of the states composing the district. It was approved also by the legislature of Massachusetts, and a law passed on the subject; but there were many of her citizens, who considered it their interest to disregard the law; and there was remissness

* Some gentlemen in Congress, however, were of opinion that trade should be left to regulate itself. Many citizens of Massachusetts entertained similar sentiments.

in the officers, whose duty it was to see it observed, which favoured the violations of a salutary law with impunity.* The General Assembly, however, were very desirous to prevent the evil, and to save the poorer classes of people from oppression. They directed the law to be published, and to be read at the annual town meetings.

Another subject engaged the attention of the General Assembly at their session in January, which related to the support and comfort of the people. The preceding season had been uncommonly dry; which, together with a severe blight of the grain, cut off nearly one half of the usual crops. A great number of men, usually employed in cultivating the soil, was engaged in the military service through the spring and summer. This, also, had served to lessen the customary fruits of harvest: and several thousand prisoners, taken with Bourgoyne had been kept in the state. The scarcity was such as to give great alarm. Added to all other difficulties, there was an embargo laid on all vessels bound from one state to another. The General Court addressed letters to Connecticut, New Jersey, and New York, requesting flour and grain for the inhabitants. They voted \$200,000,† and appointed a committee to visit those states to procure provisions. They also requested Congress to grant permission for trans-

* Nothing but a strict regard to facts could make it necessary to notice the above. As a state, Massachusetts was most patriotic, and made great exertions for the public welfare. But there were some, who sought their own without regard to the general interest. "The *Recusants* prevented the execution of the law."

† The paper had then greatly depreciated.

porting flour and corn from the southern states. The towns, particularly those on the sea coast, which suffered most severely for the want of grain, were furnished from the public stock purchased by the state, and in such proportions as their several necessities demanded.

Such was still the situation of the state and of the country, that great exertions were requisite on the part of the General Court to provide for the protection of the one, and to furnish its proportion of aid for the defence of the other. In February, a resolve was passed, as in the two preceding years, providing for men to be stationed at the towns on the sea coasts, liable to be approached by the enemy's ships; with the addition of Falmouth in the county of Barnstable, which had suffered from their depredations. Clothing was furnished for the soldiers composing the seventeen regiments of the Massachusetts line. Their families were provided for, by the selectmen of towns in which they resided, by virtue of particular orders of the legislature. To the officers on the continental establishment, large sums were also paid, or advanced on the credit of the United States; 300*l.* to the field officers; and to captains and others, 200*l.* The treasury of the state did not indeed permit of the immediate payment of the whole sum: and a part was to be paid in three and six months. The assembly wrote to their delegates in Congress, and also to the president, to be laid before that body, informing them of their proceedings to quiet the minds of the soldiers, and praying them to provide some remedy for the evils of depreciation on the public paper, and to do justice to those who were engaged in the mili-

tary service of the country. The soldiers received wages from the continent; but the bills in which they were paid were so greatly depreciated below the nominal value, that they received not, in fact, one tenth or one twentieth of the amount promised; and the state of Massachusetts had engaged to them a *bonafide* compensation. The state omitted no possible means of doing justice to the officers and soldiers in the regiments it had raised; but still these brave men and their families suffered extremely, by devoting a long period to the public service. The wants of their families obliged them to part with their notes from the continent and from the state, for the tenth part of the amount due them; and individuals, who were never exposed to danger or losses, eventually received the fruit of their toils.

In February, the legislature was requested by general Gates, then commanding, on the Boston station, to call out the militia to assist in fortifying the harbour, and to collect stores and provisions. As a reason for his request, general Gates stated that he feared an attack from the British. The legislature addressed Congress on the subject, desiring their advice, and soliciting aid from the continental army, if the enemy should invade the state. They had then but recently raised 400 of the militia to serve as a guard at Boston and neighbourhood, in addition to the state battalion which had been sometime in service; and had required a detachment from Plymouth and Bristol counties to be ready to march for the defence of Rhode Island, at the shortest notice from the commanding officer in that state.

The General Court adjourned for a few weeks.

the last of February, after giving authority to the council to call out the militia and provide military stores, if the public welfare should require it; and assembled again the first of April, when they had a request from general Washington to furnish an additional number of men to reinforce the continental army. His inquiry at this time was how many they could enlist for the campaign, instead of requesting a particular number, as he had usually done. It was voted, after some discussion, that 2,000 could be raised in the state, if the public service should require it, in addition to those already in the continental army, those at Rhode Island, and those at Boston and other towns on the sea coasts. Soon after, it was ordered, that 1500 be raised, for nine months, to fill up the Massachusetts regiments, which at that time were not complete. These were enlisted, in June and July, by calling upon the several towns through the state to furnish their respective quotas* and by offering a large sum as a bounty.† Shortly after, 500 militia were ordered to Rhode Island; and a regiment of light infantry was raised for one year to serve in Massachusetts or in any state in New England. A large quantity of military stores was conveyed from Boston and vicinity to Springfield, in April; to be deposited in the arsenal which had then been just established in that place; and one hundred teams were employed in transporting them.

* Those towns which furnished the number required by the first of June, were allowed £120.

† By a law of Congress, these men have received the same pension, for several years, as those who engaged at an earlier day for the whole term of the war, and had no bounty.

In February 1779, the General Court again proposed to the people to form a constitution of civil government, by recommending to them to express their opinion on the subject and to make return to the legislature in June following. The proposition was, that, if the majority of the votes given in and returned to the court in June was in favour of the measure, precepts were to be issued for the people to choose delegates for the convention, to meet in September then next: and such persons were to vote on the subject as were entitled to elect representatives. By the returns made in June, it appeared that a majority of votes given were in favour of having a convention; but there was nearly one third of the towns in the state that did not vote or which neglected to return them. Precepts were accordingly issued by the General Court in June, to all the towns for the choice of delegates to meet at Cambridge in September. They met at the day appointed, and chose Hon. James Bowdoin for their president. A large committee was appointed to prepare a draft for a constitution; and after a session of several weeks, the convention was adjourned, to meet again in January 1780. *

In June, the legislature called out 800 of the militia for six months, for the defence of Rhode Island, agreeably to an agreement made sometime before at Springfield, with committees from the other New England states. The British still had a considerable force at Newport; and at this particular time, there was again an apprehension of their intending to invade the neighbouring country.

Congress resolved to raise forty-five millions of dollars; to be paid, however, in bills which they

had previously emitted, and which had become greatly depreciated below the nominal value : and of this Massachusetts was to pay six millions. The General Court soon after requested and obtained a loan of Congress, for 800,000*l.*, on condition of repaying 500,000 into the continental loan office, then established in Boston, within three months. But so great were the demands upon the treasury of the state during the summer, partly owing to the expense of the expedition to Penobscot, that the sum of 300,000 was retained beyond that time. A few weeks after this, the assembly of Massachusetts made a request to Congress, that they might retain the six millions, which they had been required to raise, for their own use ; but the calls upon Congress were so pressing, that the request was not granted, although that body acknowledged “the great zeal and exertions of the state of Massachusetts in the common cause.” At this period, Massachusetts had made advances of money for public purposes, it was supposed, much beyond its just proportion. The taxes were very great, though there had been several emissions of paper money, and large sums had been received from the sales of refugees’ estates.

An expedition was prepared, in July 1779, by the state, though with the knowledge of Congress, against the British troops at Penobscot, which had not long before fallen into their hands. The force of the enemy was not very great, supposed to be about 1000 : and it was concluded, that no additional troops could be sent there from New York or Newport. This was a popular undertaking ;

and there was a sanguine hope of success. Some of the first merchants in Newburyport were in favour of the plan; and offered to provide several vessels to the state. Fifteen hundred men were ordered to be raised for the purpose, in addition to those on board of the public ships: but only about nine hundred* engaged in the expedition. The whole fleet consisted of ten ships, several of them sloops of war, from 16 to 28 guns, one of 32 guns, seven armed brigs, and twenty-four other vessels which served as transports. Some of the militia marched from the lower counties of Maine. Commodore Saltonstal was appointed commander of the fleet; and generals Lovell and Wadsworth had command of the land forces. The expedition was too much hastened; and when the troops arrived in the vicinity of Penobscot, there was not a perfect agreement between the naval commander and general Lovell, in taking measures for the attack. It was determined, however, to make an assault, upon the fort occupied by the enemy, at every hazard. The American troops landed, and had to climb up a cliff almost perpendicular, and of great height; this they effected, amidst a heavy fire from the British, who had every advantage of position; and drove the advanced troops of the enemy into their entrenchment. They lost many men in this onset; and not being reinforced by marines from the fleet, as was expected, they were obliged to retire to a distance from the fort. In the mean time, a large naval reinforcement was received by the British, which rendered further at-

* And some of these were *pressed* into the service.

tempts against the place altogether desperate.* The Americans destroyed many of their own vessels, and others fell into the hands of the enemy. They endured great sufferings, in returning through a large tract of unsettled country : and the affair reflected no honour upon the state, or the individuals who planned and conducted it. A committee of the General Court was appointed to examine into the causes of its failure ; who reported that much blame attached to the naval commander, for want of decision and energy ; but that Lovell and Wadsworth had shown great activity, intrepidity and courage.

The people continued to complain of the evils arising from depreciation of paper money, the common circulating medium of business, and the practice of monopolizing which still prevailed. A convention was held at Concord in July, attended by deputies from more than three fourths of the towns in the state, except Maine and the county of Berkshire. It was a very respectable assembly. Certain prices were fixed for all the products of the country, and a recommendation published for a general effort to prevent the greater depreciation of the public paper. It was also voted to request the citizens in Boston and other sea-ports, who had articles of foreign growth or manufacture to dispose of, to have reasonable prices stated for all such commodities. A meeting was soon after held in Boston, and regulations were adopted conformably to the advice of the convention. In the

* A regiment of continental troops under colonel H. Jackson, embarked from Boston to aid general Lovell ; but they had intelligence of his defeat and returned.

month of October following, on the suggestion of the legislature of Massachusetts, there was a convention at Hartford in Connecticut, attended by delegates from the New England states, to devise a general plan of checking the mischiefs of extortion and speculation. Some partial and temporary relief was afforded to the people, by these repeated efforts of the patriotic citizens, who were desirous of alleviating the public distresses. But no permanent or general good was effected. The respective legislatures of the states and Congress were obliged to allow greater sums to the soldiers and to others engaged in the public service; and those still suffered; for when they received their wages or their salaries, the paper had become much less valuable, than when their services commenced. The clergy, also, suffered exceedingly, on this account for several years. But in several towns, the people discovered a generous disposition towards their ministers, and provided for their relief. Congress, afterwards, negotiated foreign loans and received specie, which was put in circulation; and the legislature of Massachusetts concluded rather to raise money by taxes, than to issue more bills, which only increased the depreciation. Some of the paper, at this time, was of so little value, as that thirty and even forty dollars were exchanged for one in specie.

The enemy at New York made no attempts to penetrate the country in that quarter, as the Americans were ready to oppose them with a powerful force. Reports were often circulated, that they intended to attack the capital of Massachusetts. It was necessary, therefore, to guard the coast at several points, and to keep a number of

troops stationed in Boston. From the spring of 1776, when the British left that place, there had constantly been a regular state regiment, and one or more continental battalions, (besides detachments of militia for short periods) except when called away, as already stated, on some sudden emergency. In September, though there was then the usual number employed in guarding the metropolis, 400 of the militia were ordered out, to repair and man the forts; and the regiment, commanded by colonel H. Jackson, who had lately been detached to assist in the expedition at Penobscot, was placed at Castle Island in the harbour of Boston. The board of war was directed to purchase provisions and military stores, as well as some large ships, to be armed for the service of the state, to supply the place of those destroyed at Penobscot. They were allowed 600,000*l*. for these objects: but this was in the paper currency of the state, at its depreciated value. Massachusetts sustained a great immediate loss in that undertaking. Besides the destruction of several valuable armed ships, it was obliged to pay for a number of vessels, which were the property of individuals.

In the course of this year, taxes were laid by the legislature of Massachusetts to the amount of two millions, in addition to the sums raised agreeably to the requisitions of Congress. The payment of their part of the continental army, of the militia called out for the defence of Rhode Island, for Boston and other towns on the sea-coast within the state, and the appropriations necessary for military stores of various kinds and in large quantities, and for clothing the men employed in the pub-

lic service ; all these required immense sums, which the treasury, with many old demands upon it, was not adequate to meet. Nor was this the whole of the expense, to which the state was necessarily subjected. The term for which those soldiers engaged, who had enlisted for three years, would soon expire. And a great portion in the Massachusetts' regiments were engaged for that period ; only a few had enlisted to serve till the close of the war. It was necessary therefore to provide for their reinlistment, or to engage others in their place. The former was desired, as they were accustomed to martial discipline, and the commander in chief was anxious that the most of them should be retained in the service. A committee was sent on by the General Court, to visit the army, and to prevail with the soldiers to enlist for a further time. They were furnished with \$200,000 to enable them to fulfil the object of their mission : and \$300 were to be allowed as a bounty to each man who would again enlist. Shortly after, 500,000 dollars were remitted to general Heath, for a similar purpose. The same sum was also promised to the officers, as had been offered in February preceding ; and the several towns in the state were again required to furnish clothing for the army, according to their respective wealth and population.

While efforts were making for the accomplishment of these objects, Congress, at the instance of general Washington, called upon Massachusetts for 2,000 men to reinforce the continental army, until others could be engaged for a longer period. An order was issued to raise them in the counties of Suffolk, Essex, Middlesex, Worcester, Hampshire

and Berkshire. The General Court engaged to pay a sum in addition to that promised by Congress; and the towns were required to advance 30% to every man who should enlist. The board of war was voted 200,000% besides the sum appropriated to that department, a short time before; to be taken from the receipts on sales of the estates of refugees.

The General Court had an adjournment in October; having been in session more than six months from the first of January, and having given authority to the Council to call the assembly together whenever the public service should render it proper; and to order out the militia, not exceeding 4000, if any exigency should occur to require it. They also appointed a public fast, which was unusual at that season of the year. This was evidence of the great distresses of the people, and of the apprehension of public calamities. In such circumstances, the pious rulers of Massachusetts had always appointed a day for humiliation and prayer; and the people were ready to acknowledge the overruling providence of God, and to unite in seeking his guidance and blessing.

The southern part of the United States was the principal scene of hostilities at this period. Major general Lincoln of Massachusetts had been sent to take the command in South Carolina and Georgia. The enemy had a powerful force in that vicinity, while the continental troops were but few. Lincoln was obliged to depend much upon the aid of the militia and volunteers. The French fleet arrived from the West Indies, and landed a considerable number of men, to cooperate with the Americans. They besieged the city of Savannah

without success. The French commander would not consent to remain a sufficient time for carrying on the siege in a regular manner. In an unsuccessful assault upon the place, the Americans were repulsed, with considerable loss. Among the slain, was the brave Count Polaski, a Polish nobleman. Count d'Estaing also was wounded in this unfortunate affair. If he was deficient in judgment, in urging the attack, unprepared as they were, he discovered great personal courage; and was justly esteemed as an ardent friend to America. General Lincoln retired from before Savannah, and marched to Charleston, in South Carolina. The enemy in that quarter were soon after reinforced by a large number of troops from New York, and set down before that city. After a siege of nearly five months, Lincoln was obliged to capitulate. His force was comparatively small, and he was unable longer to hold out against a powerful enemy, distant as he was from all succour that could be afforded by general Washington. He was anxious, also, to save, as far as possible, the lives and property of the citizens of Charleston.* Lincoln was an intelligent and brave officer; but his love of glory never overcame his feelings of humanity.

The convention for forming a constitution met again in January, 1780, when they agreed upon one; and in March, ordered it published and sent to the several towns in the State. The votes of the people on this subject were directed to be returned in June following; when it appeared that more than two thirds of the votes given, were in

* The inhabitants of that city repeatedly and earnestly requested general Lincoln to surrender the place to the British. before he was induced to do it.

favour of adopting it. The convention had assembled, at that time, to receive and examine the votes of the people. The vote in Boston was in favour of the constitution as submitted; but they expressed a desire for several alterations, and instructed their delegates accordingly. They proposed an alteration in the third article of the bill of rights, which provides for religious instruction. They were satisfied of the importance of religious teachers to the welfare of society and the morals of the people; but they wished also for perfect toleration, and for no degree of compulsion in religious sentiments or worship. They apprehended that liberty of conscience might be infringed; and they suggested that all should be required to pay; but that the amount assessed upon such as attended no place of worship should be appropriated to the poor, or to some other useful public purpose. They wished the provision respecting the privilege of habeas corpus to be more accurately defined, and more liberally granted, so that the citizens should not be subject to confinement on suspicion. And they were in favour of a power in the governor, without leave of the legislature, to order the militia to an adjoining State, in time of danger. But their acceptance of the Constitution did not depend upon the adoption of these amendments. Nor was it in the power of the Convention to incorporate them into the instrument, without another appeal to the people, which would not have been judicious.

There were also objections made by writers in the public papers, to some parts of the constitution; chiefly to the third article, which required all classes of people to contribute to the support

of religious teachers. It was intended by the framers of the constitution, that every citizen should enjoy perfect liberty of conscience ; and it was believed that all really religious persons would acquiesce in that article : for every one was to worship according to such form or mode as his conscience should dictate, and to pay to such teacher as he might attend. It was also provided that no one should be molested on account of his religious opinions ; and that no denomination of Christians should have any exclusive or peculiar privileges. The Baptists were the most inclined to complain, for the teachers of religion were generally of the Congregational order ; and although every one had the liberty, as was his right, to worship with the Baptists, and to join their societies, yet those who had belonged to other churches, and were desirous of becoming members of these, were subjected to the inconveniences (which they considered oppressive, and inconsistent with their rights) of applying for license so to do. By impartial men, in other States and countries, that part of the Constitution was, however, generally acknowledged to be wise and liberal. Some writers insisted that the instrument should provide absolutely for a convention, in fifteen years, to revise the Constitution, instead of barely allowing for such a revision at the end of that period. But this objection had little weight ; for if a general desire should be manifested to have a convention to alter the constitution, it would certainly be called ; and, without such desire or conviction, it would be very unwise to make such a meeting necessary. In 1795, when the question was submitted to the people, they declared against calling a convention. Notice was

officially given to the General Court, that the Constitution was accepted by the people, and that the convention had fixed, as authorised by the people in their returns of votes, on the last Wednesday of October, for the organization of the government, agreeably to its provisions. The election of governor, lieutenant-governor, and senators, took place on the first of September; and the representatives were chosen in the month of October, and ten days previously to the last Wednesday.

In pursuance of a plan of Congress to prevent the depreciation of paper money, and to remedy the evils and sufferings it produced, that body, early in the year 1780, resolved, that 15,000,000 dollars should be called in monthly, for the term of one year; and the several states were required to provide for collecting their respective quotas. The whole amount of paper which Congress had issued was about 160,000,000 dollars. The portion to Massachusetts of the 15,000,000, to be paid or called in monthly, was 2,000,000. But the bills had become so much depreciated, that, at the rate of exchange of paper for specie, which was now one for forty, the sum was really but 50,000 per month. This even was a large amount, and the state was not able to raise it. A part of the plan of Congress, therefore, was that each state should either become debtors to those who brought in the old continental paper, and become answerable to pay them at a future period, or periods, and charge the same to the continent; or should have a new emission of bills, amounting to one twentieth of the sum called in from circulation and destroyed. The new bills were to be considered equal to spe-

cie; and to keep up their value, Congress also engaged to be responsible for their payment, and to pledge the faith and credit of the continent; and advised the several states to provide for their redemption and payment, by annual instalments, within the period of six years. A great quantity of depreciated paper was thus taken out of circulation; and a new emission substituted, of far less amount indeed, but which retained its nominal value only a short period. This was a necessary consequence of the heavy debt, which the state was then owing, and of an apprehension that it would not be able to redeem the bills at the nominal value, or within the time promised. It was attempted also to borrow specie; but for the reasons here suggested, the attempt was attended with very little success.

The debt of Massachusetts, exclusive of the amount which the state had to provide, as its quota of continental arrears, at this time, was nominally two hundred millions of dollars; though, (on the calculation before mentioned, of forty for one,) the difference between the bills to be paid and specie, or the new bills to be issued, was so great, that the debt was really but five millions.* And it is also to be considered, that if the state was liable for this amount, it had large claims on Congress; as much of the expenses incurred for several years, were for continental purposes, and a reimbursement would be required. The amount, for which the state would be solely and eventually

* The valuation returns at this time gave but 11 millions as the property of the state; but it was supposed to be double that amount.

liable, therefore, would be less than the debt standing against it.

In March and April of 1780, two tax bills were voted, amounting in the whole to nearly a million of dollars, in specie value, or if paid in the new bills then ordered to be issued; by which 36 millions of depreciated paper, which were then forty for one, would be called in. And these were ordered to be defaced or destroyed, and bills of the new emission to be put in circulation. One third of the amount of the new emission was ordered to be retained for the use of the state, and the residue appropriated to purposes of the continent, as Congress might direct. It was also resolved by the legislature, that an annual tax of 240,000 dollars should be laid for seven years, to enable the state to fulfil its promises to the public creditors, including the officers and soldiers of the army. And it was provided, that if the Court should not pass a tax bill to that amount in any of these years, the treasurer should issue his warrants for it.

The heavy debt of the state was the occasion of much complaint among the people; and the General Court was charged with inattention and want of economy. But the expenses were great beyond all former times; and it is rather wonderful, that the credit of the state was not wholly lost, when it is recollected what public services were performed, and what numbers of men were employed in the army at different times. Most public purchases were made under disadvantages, and it was well known by those who served the state, or furnished articles at the request of its agents, that the day of payment was far distant. Perhaps, in no country, under such pressing cir-

cumstances, were there ever fewer defaulters, or less loss to the public interests. The expenses of the British government for supporting troops in America for five years, then past were 37 1-2 millions sterling.

Large sums were put into the hands of the board of war, who had the care of furnishing military stores for various places, and of supplying the officers and soldiers with necessary clothing. Those who continued in the army were provided with clothes out of the treasury of the state, in addition to their regular wages, or by way of bounty: and such as enlisted for the first time, to fill up the regiments of the state, on the continental establishment, received large bounties, as well as many articles for the comfort of their families. Most of the clothing for the army was furnished from the cargoes of prizes taken from the enemy. But these were not at all times sufficient: and during this year, (1780) an agent was employed by Massachusetts to procure goods in Europe, on the credit of the state; or by loans taken up on its behalf.

Though the public mind was chiefly engaged in political concerns, the interests of science were not wholly neglected. The academy of arts and sciences was this year formed, consisting of about fifty members, who were distinguished for their literary researches and attainments. James Bowdoin was its first president; a gentleman celebrated as well for his patriotism and virtue as for his philosophic pursuits.*

* An academy was also established at Andover in 1780, for the instruction of youth in the higher branches of litera-

A singular phenomena occurred on the 19th day of May, this year, which was the occasion of great alarm to the common people, and of much speculation among the learned. The morning was cloudy, and in some places a little rain fell. By the middle of the day there was an unusual darkness; which increased till two or three o'clock, so that it was as necessary to have artificial lights, as at one hour after the setting of the sun. The birds and beasts repaired to their places of nightly rest. The darkness did not extend beyond Connecticut, nor very far at sea. It was attributed to a thick smoke, (united with the heavy clouds,) which had been accumulating for several days, occasioned by extensive fires which then raged in the northern parts of New Hampshire, where the people were making new settlements.

The inhabitants in the eastern parts of Maine were exposed to depredations from the enemy at Penobscot, and from their armed ships which were hovering on the coast. Besides the two companies at Machias, one of infantry and one of artillery, for the protection of that place and vicinity, it was ordered that 750 men should be stationed on the western shores of Penobscot bay to check the incursions of the enemy from that place. These were raised chiefly in that part of the state; and were put under command of general Wadsworth, who had been second in command in the expedition to Penobscot, the preceding year. The state of New Hampshire was also re-

ture than were attended to in common schools. It has proved a nursery of useful learning.

quested to furnish a number of men for that station; and a French frigate, in company with a sloop of war belonging to Massachusetts, cruised sometime on that coast, for the security of the inhabitants.

CHAPTER IX.

State of the country . . . More militia ordered . . . Treachery of Arnold . . . General Court under new constitution . . . Governor's speech . . . Burdens and complaints of people . . . Loans . . . Militia at northward . . . Recruits for army . . . Large bounties . . . Committee to revise laws . . . Further discontents . . . Great taxes . . . New calls of Congress . . . Excise acts . . . And impost proposed . . . Militia marched to Rhode Island, and to New York . . . Capture of Cornwallis . . . renewed military preparations . . . Complaints . . . Riot in Hampshire.

It was now five years since the war commenced: and general Washington seemed to be desirous of more efficient and decisive operations against the enemy. The British forces indeed were formidable; and recruits were necessary to act merely on the defensive, with the hope of affording protection to the country. The enemy had a great number of regular troops in the southern states, and were committing depredations without much check. General Gates, who commanded in that quarter after the capture of Lincoln in Charleston, was not fortunate in his efforts against the British. They were victorious in all places, till general Greene was sent into that department: and though his numbers were comparatively small, and insufficient wholly to arrest their progress, he was able, by great efforts and skill, to put some limits to their destructive march. The enemy at and near New York, under general

Clinton, were also very numerous; and, at times, meditated an attack upon the American lines. His navy was of great advantage to his plans and movements in that quarter. But Washington was not satisfied with preparations to receive an attack from the British commander; though this, perhaps, required all his vigilance and all the force he could calculate upon with certainty. French troops were expected this season; and he was desirous, on their arrival, to strike a decisive blow; and if possible, to induce the enemy to quit the country. The marquis de Lafayette had then recently arrived from France, where he had been for about a year on a visit to his family, and to prevail upon the king to take a more active part in favour of the United States. The intelligence by the marquis was, that another fleet and several thousand troops were destined for America, to act in concert with the army under general Washington. He had represented to the French court, that the Americans would make a great effort the ensuing campaign; and, with the assistance of some troops from France, would probably be able to conquer the enemy within a short period. On his arrival, he made this statement to Washington, to Congress and to some leading men in Massachusetts,* and urged them to raise an additional number of men to be able to act with effect, when the French troops should arrive. General Washington had already made an urgent request upon the state for 4000 men for six months, to reinforce the continental army; a great part of which were

* Particularly to Hon. S. Adams, then both a member of Congress and of the legislature of Massachusetts.

needed to fill up the regular regiments belonging to the Massachusetts line. The General Court immediately issued orders to the several towns in the state to enlist or draft their respective portions of the number required ; and great exertions were made to induce the men to engage. Within a month after the former requisition, there was a call for 4,700 of the militia, for three months, to be marched to Head quarters, with all possible dispatch. The towns were also required to raise these men in a similar manner. By request of general Washington, a few weeks subsequently, one thousand horses were furnished the army from Massachusetts ; and two thousand head of cattle for beef.

In consequence of the difficulty of raising men for the continental army, when required, and of the complaints of the people against the General Court, as if it might have prevented in some measure the great embarrassments which existed, it was proposed by Massachusetts to some of the other states, to invest Congress with greater power, so that it might provide all necessary supplies for the army, without calling upon the states in their separate capacity. Several of the states favoured the plan ; but it was never matured. The difficulty which was complained of, did not arise from the want of authority in each individual State, but from the circumstances of the times, which under any government would have imposed a heavy burden upon the people. About the same time there was a second meeting, at Hartford in Connecticut, of committees from the New England states, to consult on some uniform mode of raising troops for the next year.

In September of this year (1780,) general Arnold, who commanded the continental post at West Point, on Hudson's river, a very strong fortress, and the key to that part of the country, treacherously concerted with the enemy to deliver that place into their hands. Had he not been discovered and defeated in this most iniquitous plan, the British, in possession of that fortress and with a large fleet in the river, would have cut off all communication between the New England states and the more southern parts of the continent. And such an event might have been most disastrous. General Washington was at Hartford, at this time, where he had gone to meet the commander of French troops then lately arrived at Newport. The plot was seasonably discovered, but the traitor escaped. Arnold had many troops from Massachusetts and the other eastern states under his command : but not one of his officers or men was implicated in the nefarious design. This man had been a brave and active officer in the American army for five years : and at one period enjoyed the confidence of the commander in chief, and of his companions in the army. Some time before this affair, however, he had discovered a most avaricious spirit ; and was charged with very dishonourable and iniquitous conduct, in appropriating the public monies to his own private use.

On the last Wednesday of October, (1780) the civil government of Massachusetts was organized, under the constitution then recently adopted by the people of the state. John Hancock was elected governor ; but no person was chosen lieutenant governor by the votes of the people. The General Court elected James Bowdoin to that office ;

but he declined it. James Warren was then chosen, and he also declined the trust. Afterwards, Thomas Cushing was chosen, who accepted the appointment. Jeremiah Powell was elected President of the Senate; and Caleb Davis, speaker of the House of Representatives. The House consisted of two hundred members. In his public speech, a few days after his election was declared, the governor recommended to the legislature to provide for completing the state's quota of men for the continental army, and for the payment of wages to the officers and soldiers. He urged them to cause the men to enlist for the time the war should continue, as it was the particular desire of general Washington, that they should so engage. He also entreated them to make every effort to maintain the credit of the state; to see that the taxes assessed were collected with greater punctuality; to cherish the interests of education; to consider the sufferings of the clergy; and to patronize sabbatical institutions, which in the time of war were apt to be disregarded.

At this period, there were loud complaints among all classes of people, as well those who remained at their homes as those who were in the army. The former were subject to almost constant calls to enlist men for the military service, and to pay their portion of the heavy and repeated taxes, which were assessed. Of this class too, many were creditors to the state; but were unable to obtain payment; the others had suffered exceedingly by the depreciation of money, in which they received their wages; and the state was greatly in debt to them, which it could not discharge for many years. Many also of those who had loaned

money, or furnished goods to the public, had been subjected to loss by receiving depreciated paper. The officers and soldiers were importunate for their wages; the public creditors were anxious for their dues; those who had articles to supply the wants of the state were unwilling to dispose of them; and all who had taxes to pay complained of their inability to contribute so largely as required.

But the patriotic efforts of the legislature were in some measure proportionate to the difficulties they had to encounter; and with all the complaints and wants of the people, they generally had confidence in the integrity and ability of their rulers. A great part of the depreciated paper had been taken out of circulation, and new bills substituted, which for some time retained nearly their nominal value. Much specie was also circulated; for large quantities had been brought into the country by the French, and by the prizes taken in the West Indies by the American armed vessels.

The legislature determined to raise by direct taxes all that was practicable, to force the sales of Refugees' estates, and to collect such sums as public spirited individuals would loan to the commonwealth.* The state had already borrowed large sums, which it had not been able to pay, as promised; and it had also, within six months, attempted to raise more by loans, but without much success. But necessity urged them once more to

* At this time, the General Court ordered the sale of the manufacturing house in Boston and the valuable lot of land adjoining to it

make the effort. Committees were chosen by the General Court, of the most patriotic and respectable citizens,* in each county, and in the large and populous towns, to solicit loans. The sum of 400,000*l.* was voted to be raised; but there is no evidence that the whole was obtained; though considerable sums were collected by the committees appointed for that purpose.

In an address to the people, at this time, with particular reference to the great amount of taxes, of which many complained, the General Court said—"We conjure you by all the ties of honour and patriotism, to give up every consideration of *private* advantage; and that, without delay, you assist in supplying the treasury, as it is impossible to support an army, if the people withhold their taxes. Let it be evident, on the contrary, that the people of Massachusetts are animated with the same principles which inspired them in the early stages of the contest, and that the salvation of the country absorbs every other object. Thus shall we dash the last hope of the enemy, founded as it is upon the inattention and *avarice* of *any* part of the community."

The Canadians and Indians gave an alarm to the inhabitants of the northern parts of the State of New York, in the Autumn of 1780, and invaded some of the frontier settlements. As there was no large regular force in that quarter, they had been emboldened to attack several towns, and threatened to commit more extensive depredations.

* In Boston, W. Phillips, E. Payne, S. Higginson, J. Rowe : In Beverly G. Cabot : In Salem E. H. Derby and J. Ashton : In Marblehead, E. Gerry, J. Glover : In Newburyport, J. Jackson and N. Tracy.

The militia of Berkshire were ordered out, in considerable numbers, under general Fellows, and marched to north river and the lakes, to prevent the further incursions of the enemy.

A large number of the soldiers in the continental army, belonging to Massachusetts, had now completed their time of enlistment, and were resolved to return to their homes. It was necessary to engage them for a longer period, or to enlist others in their room. As an inducement to them to re-enlist, a bounty of sixty dollars in specie was offered to each man. £60,000 were appropriated for this object, and a great part sent on to the army, by agents employed to engage the soldiers to remain in the service. To those who had wages for a long time due, both officers and soldiers, and were still belonging to the army, several months' pay was also forwarded in specie, or the new emission of paper. The payment of wages was then chiefly in specie, so far as it was made at all. The officers had still large demands upon the State or Continent for compensation.

In the course of this year, (1780) a new arrangement of the army took place. The regiments were reduced to 29 of infantry, 4 of artillery, and 4 of cavalry. Massachusetts was required to have only ten regiments of infantry, and one of artillery; which, however, was nearly one third of the whole establishment. The oldest officers had the choice of retiring from immediate service, on half pay; liable to be called out at any future time, and entitled to all bounties of land, and other gratuities, promised to those who served during the war.

The number of men required of Massachusetts,

to complete its proportion of the continental army, calculating that all the soldiers would retire whose term of service was about to expire, was 4200. Under the circumstances of the times, it was very difficult to engage such a number. Some, however, were induced to enlist again; for the terms offered by the General Court were more favourable than had been proposed at any former period. Several towns in the Commonwealth were still delinquent, though they had been often required to furnish a certain number of soldiers. These were now enjoined immediately to enlist the number which had been allotted them; and authorized to give a bounty of fifty dollars, which should be allowed on the settlement of their taxes. All who would enlist were to be excused from a tax on their polls and personal estate. General Washington was urgent in his request, that this number of men should be furnished early in the ensuing year, (1781); and he was equally desirous they should be engaged for the time the war should continue; for he had suffered for want of regular troops, who were accustomed to military discipline; and the militia, besides, were not always furnished at the time required.

The General Court was adjourned, in the month of December, after an active and useful session, to meet again in January; having appointed a committee* "to revise the laws in use in the Commonwealth, to select, abridge, alter, and digest them,

* This committee consisted of the Judges of the Superior Court, the Attorney General, James Bowdoin, and John Pickering. This committee was also requested to prepare bills for the due observation of the Sabbath, and for the prevention of drunkenness and profanity.

so as they should be accommodated to the present government."

In the winter of 1781, a spirit of discontent and complaint prevailed, as much as in the preceding year; particularly in the western counties of the Commonwealth. This was owing, principally, to the heavy taxes, and to objections to the new form of government. There was some evidence that persons inimical to American independence were the authors of this uneasiness; for there were then a few secret enemies of liberty remaining in the country, whose object it was to render the people dissatisfied with their government. It is always easy for artful men to poison the minds of the common people, and to misrepresent the conduct and designs of rulers. A committee of the General Court was appointed to institute enquiries; and if there should be evidence of insidious attempts to interrupt the regular course of government, to take the authors of them into custody, for trial.

To quiet the minds of their constituents, the General Court published an address, in which they stated the debt of the Commonwealth, the amount of taxes necessary to be assessed, and the means for paying the expences of the State. They reminded the people that the arduous contest in which the country was engaged, necessarily demanded great efforts and sacrifices; and intreated them to consider, that the blessings of freedom were too valuable and precious to be hazarded by any want of pecuniary contributions. They declared, also, that all possible economy should be practised, which was consistent with a due regard to the public welfare. The sums ne-

cessary during the year, they stated, would be 950,000*l.* Some of the items were these : for the civil list, 30,000*l.* ; interest on public notes, and on wages due officers, 213,000*l.* ; for Congress, 86,000*l.* ; instalment of public debt to be paid, 500,000*l.* ; clothing for the army, two years, 50,000*l.* ; with others of a less amount. This was to be discharged by the tax to be collected, of 320,000*l.* ; by loans of 400,000*l.* ; by a specie tax then due, and assessed some time previously, of 72,000*l.* ; from sales of absentees' estates, 40,000*l.* : &c. By the measures adopted, and exertions made this year, the debt was lessened, without increasing the taxes beyond the amount required the preceding year. Loans, however, were resorted to ; and considerable sums were raised in this manner, by the solicitations of the agents of the State, and the friends of government. It was found, that it would be utterly impracticable to raise sufficient by direct taxes, to meet all the extraordinary demands of the State, and of Congress, to pay old debts, and defray the necessary expences which would arise in the year. And it was considered just, that those who would enjoy the great benefits expected from the revolutionary war, should be liable to pay a part of the price at which they were purchased.

The disposition of the House of Representatives to maintain its peculiar rights and power, was manifested, at this session, in a manner which shewed that they would contend for their authority in an unimportant and doubtful case. The Senate chose a committee to enquire, whether the late returns of valuation were correct from all the towns. The House objected to the Senate in having originated the enquiry ; and contended

that it was a subject relating to money, and, according to the constitution, therefore, must originate in the House. The dispute was referred to the Judges of the Superior Court, who decided that it would be proper to have a joint committee on the subject, and that it could be of no importance in which branch of the legislature the enquiry or the appointment of a committee originated. In compliance with a recommendation of Congress, a tax of eleven millions of dollars was laid by Massachusetts this year, (1781) for the purpose of calling in the old bills, then greatly depreciated; the real value of which was estimated at 275,000 dollars. That part of the debt of the State which was for monies loaned, amounted to a million of dollars; and to pay the interest, 60,000 in specie were appropriated. This year, the bills of the new emission of paper, which in 1780, had by statute been made a tender in all payments, would not pass at the nominal value, and the law was repealed.

In the course of this year, Congress proposed to the states to lay an impost duty; but Massachusetts objected to the plan, because it was supposed it would operate unequally. They had much more commerce than any other state, and their products from the soil were less. They said, that by such a tax they should be liable to pay much more than their portion of the public revenue. And they suggested, that if an impost act should pass, they ought to reserve for the use of the state a certain part of the monies thus raised. This reasoning was more specious or more selfish than correct. But it might have had some influence; for the plan of raising money by impost was not

then adopted by all the states as proposed by Congress. In the following year (1782) however, the legislature of Massachusetts passed a law for raising money by an impost, which was to be wholly appropriated to the use of Congress, for the purpose of discharging the public debt; or to be expended in the state, but for meeting the expenses incurred by order of Congress for the welfare of the continent. There were conditions annexed to the statute; one of which was, that all the other states should adopt a similar law; and the other, that Congress should annually state the amount of the public expenses and the sum collected from the impost act. Some of the states neglected to pass such a law, and nothing was collected in this way till 1783. Massachusetts then enacted another law in favour of the measure. An excise act was passed by the legislature laying a duty on wine and several other articles of luxury sold in the state; and upon carriages which were used solely for pleasure.* A tax was also laid on auctions, at the rate of one per cent. on all goods sold.

In the month of February 1781, twelve hundred of the militia were ordered for Rhode Island, for forty days, under command of general Lincoln. They were called out by the particular desire of the French general, who was then apprehensive of an attack from the British at New York. These men were marched from the southern parts of the state; and the rest of the militia were directed to be in readiness to proceed to that place at the shortest notice.

The General Court had a recess of a few weeks

* The monies thus collected were particularly designed to pay interest on the debt of the state.

in March, and met again in April. But during this time, they gave power to the Executive to order out the militia, if there should be a requisition for them ; and to furnish such military stores to general Washington as he might request, if they could be procured in the state. The board of war had then been discontinued ; and the service formerly allotted to them now devolved upon the governor and council ; and the quarter-master or commissary general, under their directions. Soon after this, general Washington called for men, both militia and others to fill up the regular regiments of the permanent army. For with all the exertions which had been made, the state was still deficient in enlisting the full number of soldiers for the term of the war, which had been required. The General Court repeated its call upon those towns, which were delinquent ; and while it held out great encouragement to the men to enlist, it imposed a heavy penalty upon the towns that should not forthwith procure the number of soldiers, which it was their duty before that time to have furnished. And in consequence of a requisition from general Washington the state procured again this season, for the use of the continental army, large quantities of clothing and provisions.* This was an expensive method of providing for the army ; but it was not in the power of Congress to make provisions otherwise than by calling upon the respective states.

At no period of the war, was there greater effort necessary to maintain an army sufficient for

* Two thousand head of cattle, 4,000 blankets and 8,000 pair of shoes and hose.

any decisive purposes, which the commander in chief might have in view; or a greater demand upon the resources of the country. Washington was resolved to attack the enemy in New York, or to bring all his forces against those, who were committing depredations in the southern states. General Greene was in that quarter; but his force was not sufficient to enable him to make a successful stand against the British. General La Fayette had been sent on with the light troops* of the American army to oppose lord Cornwallis in Virginia; general Wayne was also ordered to reinforce the latter, with some continental troops and the militia of Pennsylvania. Still Washington kept up a formidable force in the vicinity of New York: and probably, at one time, seriously intended to make an attack upon the island, then in possession of the British. He called for large portions of the militia from the New England states. Massachusetts was required to furnish 6,000 for three months. But 500 which had just before been marched to Newport were to constitute a part of the number. An additional quantity of provisions was furnished by Massachusetts, at this time, and some ordnance and a supply of powder was sent on to head-quarters, at the urgent desire of general Washington. He collected a large army near New York, and the enemy expected an assault. This had the effect intended. No reinforcements were sent by the British general in New York to Cornwallis; and Washington, by forced marches, proceeded with a part of his army to assist in an attack upon the enemy at the south. The French

* Many of these were from Massachusetts.

naval and land forces assisted in the capture of the British army in Virginia. Several thousand French troops under count Rochambeau joined the Americans in that quarter, in the month of September; and the fleet was so formidable as to deter the British admiral from approaching the coast. Indeed, it was not until it was too late for the British commander at New York to afford succour to Cornwallis, that he was fully sensible of the object of general Washington. The British troops in Virginia under Cornwallis surrendered to the allied army under general Washington, on the 19th of October 1781. The French troops were of great importance in this affair; and both officers and men behaved with singular bravery. Count Viomenel, as well as Rochambeau, was distinguished by the approbation of general Washington; and among the American general officers who received his particular commendation, were Lincoln,* La Fayette,† Knox, and Wayne. Colonel Scammel of Massachusetts received a mortal wound during the siege, which he survived but a few days. His death was greatly regretted. He was a brave and judicious officer; and possessed in a high degree the esteem and regard of the whole army. For some time, he acted as adjutant general, and shared largely in the confidence of the commander in chief. He took an early and active part in the revolution.

* General Lincoln was soon after appointed secretary at war, by Congress.

† The marquis La Fayette was a major general in the American line (not in the French) and had command of the light infantry.

This successful event induced the British court to think of peace with the United States. But they were not then even, prepared to offer such terms as America could consistently accept. Congress had determined not to negotiate, without an acknowledgment of the independence of the United States; and the assent also, on the part of France, to the conditions of peace. The British ministry discovered no disposition to propose or to agree to such terms. They had publicly declared their intention to prosecute the war, notwithstanding their recent heavy loss, in the surrender of Cornwallis; and it was known in the course of the winter 1782, that great preparations were making in England for another campaign. It became necessary, therefore, for Congress, desirous as they sincerely were for peace, to adopt measures for the defence of the country. As a great portion of the troops employed, during the year 1781, were militia, and had been discharged at the close of the year, they called upon the several states to enlist men to complete the permanent regiments, or to furnish militia again to reinforce the continental army. They negotiated loans in France again to a large amount; and in the course of this year, the American envoy in Holland obtained loans; but a great part of these sums was appropriated to discharge debts previously incurred in France for goods and military stores, which had been taken up there on the credit of the United States. The requisitions upon the states were still great. Massachusetts was required to furnish the sum of 1,300,000 dollars, as her portion of 8,000,000, the whole amount to be raised by all the states. Fifteen hundred men were also order-

ed to be raised to complete the regiments in the continental line.*

Under all these requisitions, the burdens of the people must have been exceedingly heavy. The voice of complaint was heard through the state : but it was loudest in the country towns. A part of the old taxes was still unpaid ; and within a short period 1,650,000 dollars were required in addition. Depreciated paper was no longer current ; and it was necessary to collect a part of the taxes in specie or in bills of the new emission, so called, which were not easily procured, as this emission was comparatively small. The farmers had little of surplus produce to spare, and they had no other resources. Besides, the taxes had been high for six years ; and the bounties they had given to induce men to serve in the army amounted to large sums. Some designing and selfish individuals took advantage of these difficulties, and inflamed the minds of the people to such a degree, that, in the western part of the state, a number collected to prevent the regular course of justice. They endeavoured to interrupt the business of the Supreme Court in the county of Hampshire. One Ely who had been an ordained clergyman in the state of Connecticut, and who, perhaps, was as deficient in judgment as in principle, was the chief agent in producing this alarming excitement. He was taken into custody ; but the people, thinking he was the sincere advocate of their rights, attempted to rescue him. They were soon induced,

* The towns were classed, and each class was to furnish a man, or to pay the sum necessary to engage one for the military service.

however, to give up their favourite, and to retire quietly to their several homes. A committee of the General Court was sent into that county, who satisfied the citizens, that their rulers were ready to afford all possible relief to them, and that the great amount of taxes was entirely owing to the expenses of the war.* The greater number of the inhabitants in that part of the state, however, were the firm supporters of government, and condemned the proceedings of the deluded or designing men who were the authors of the riot. The legislature, soon after, ordered the treasurer of the Commonwealth to suspend executions against collectors for taxes, for several months ; a proof of the great distress which prevailed through the state.

* In the fall of 1780, 400,000*l.* ; in 1781, 675,000*l.*, and in 1782, 400,000*l.* ; but these taxes were payable in part in depreciated paper.

CHAPTER X.

Prospect of peace...Massachusetts urge security of fisheries...Ministers so instructed...National bank...Supreme court...Illicit trade forbidden...Distresses of soldiers on their discharge...Alarming combination among part of the officers...Great taxes...Relief for debtors...Impost and continental taxes...Refugees...General Court for 1783...Members of Congress...Peace...Governor urges attention to public credit...Slavery wholly condemned...Census...Requisitions of Congress...British debts...Eastern boundary...Governor Hancock resigns...New excise...Complaints of British importations.

IN the early part of 1782, the war with America becoming more unpopular in England, on account of the great expenses and the misfortunes which had attended it, the ministers were obliged to resign their places; and others, more favourable to peace with the United States, were called to advise his Majesty. In anticipation of such an event, Congress had already given authority to their ambassadors in France and Holland, for forming a treaty of peace. Some general instructions had been forwarded them, to guide their negotiations. The acknowledgment of INDEPENDENCE, was the only absolute ultimatum, upon which they were to insist: except that they were not to make a treaty, without the king of France was a party to it. They were, indeed, further instructed to contend strenuously for certain boun-

daries of the United States, which were such as the treaty afterwards made, recognized : and for the common use of the fishing grounds, to which the inhabitants formerly had access.

The legislature of Massachusetts, in which the people were more generally engaged in the fisheries than in any other state, knowing that Congress were considering the terms of peace, and giving directions to their envoys in Europe on the subject, wrote their delegates to that body, and expressed their sense of the importance of securing these ancient privileges. This letter, which was written in October 1781, was referred to a committee of Congress, who did not report on the subject until January 1782. In the report, they did not confine themselves, however, to the subject of the letter from the Massachusetts' legislature ; but gave an opinion as to the *general* instructions, which would be proper to forward to the ambassadors in Europe, who were authorized to negotiate a treaty of peace. This was, in substance, such as had been given them the year before. No treaty should be made, they reported, which did not, in the very outset, recognize the INDEPENDENCE of America, and in which the French government was not included : for the treaty of alliance between France and the United States provided, that neither power would make a separate peace with Great Britain. The report indeed, went farther, and recommended, that no other terms, than such as the court of France might approve, should be required by the American envoy ; and that the king of France be requested to secure for the United States the most favourable conditions he could obtain : thus ac-

knowledging, in effect, the foundation for a future claim upon their gratitude.

As to the boundaries of the United States, they were to contend, though not as an *ultimatum*, for those by which they had been known when colonies of Great Britain. The ambassadors were also to be instructed, according to this report, "to contend for a right to the fisheries on the banks of Newfoundland, and in the North American seas." But this was not to be insisted on as an *ultimatum*. Nor did the report even propose, that a right should be claimed to fish on the coast of the British territory, or within three leagues, the distance, to which all nations claimed the exclusive jurisdiction, according to international law. It went into the enquiry, what that distance was, as recognized by the general consent of the civilized nations of Europe: by which it appeared, that in some cases it was considered to be three leagues, and in others, fourteen miles: and that it depended upon particular provisions of a treaty, if any greater privilege was allowed. This report was also committed, and in August 1782, it was offered again and accepted, with some verbal alterations.

By the statement made and the reasoning used in this report, it does not appear, that Congress considered the claim to the fisheries, even on the high seas, of so indisputable and rightful a character, as that of *Independence*. The arguments used, however, and the usage of nations, as to a common right on the ocean, justified them in contending most strenuously for it; and in instructing their ambassadors not to consent to an abandonment of such right or claim, except that peace could not

otherwise be obtained. There was, probably, no necessity for such particular instructions respecting a right to fish "on the banks of Newfoundland and in the North American seas." For the British, monopolizing and exclusive as their spirit was, did not, from any thing which appeared, ever meditate to exclude the people of the United States from fishing, any more than sailing, upon the high seas. This claim, or this right, then, was secured by our envoys, without much difficulty. But the privilege of taking and curing fish near and on some of the British coasts, which they obtained by the treaty of 1783, was an important one, especially to Massachusetts; and was proof of great ability and of devotion to the interests of the country, in the American ambassadors.

In May 1781, Congress authorised the establishment of a national bank at Philadelphia, agreeably to a plan proposed by Mr. Morris, who was then superintendant of finance. The legislature of Massachusetts passed a law in March 1782, for the purpose of giving currency to the bills issued by that bank within the state, authorizing the treasurer and others to receive them for payment of the debt of the state, and subjecting those to severe punishment who should counterfeit them. The first bank in Massachusetts was established in 1784. The charter had no limitation, as to the period of its continuance. For several years it was the only banking company in the state; and the profits which it yielded to the proprietors were very great.

The constitution of Massachusetts adopted in October 1780, provided that the highest judicial tribunal in the state should be denominated the

Supreme Judicial Court. In July 1782, a court with this title was established by law. The legislature had sometime before enacted, that the judges of the superior court of judicature, the name formerly given to the highest judicial court in the Commonwealth, should exercise the powers given by the constitution to the supreme judicial court.*

From a disposition hostile to the Independence of America, or, more probably, from the hope of gain, many citizens of the United States engaged in illicit trade to the territories of the enemy. Those whose ruling passion was the love of gain were tempted to this intercourse, as the profits were then very great, on account of the scarcity of British goods in the country. Congress considered this conduct highly unjustifiable, in the existing state of the two countries; and they objected to it, also, because it drained the United States of specie, which was the only article given in exchange for English goods. The legislatures of the several states were desired to prohibit all such intercourse. The general assembly of Massachusetts readily co-operated in this object, by passing a law to prevent all trade to the British colonies or with British subjects: and the citizens of Boston entered into an agreement to prosecute all who should be discovered engaged in such illicit intercourse. The General Court, also, responding to the public declaration of Congress, expressed its disapprobation of the insidious designs of the British ministry, in its attempts to negotiate with

* The judges, at this time, were Cushing, Sargeant, Sullivan, Sewall: and R. T. Payne was attorney-general.

the United States separately from France : and gave a decided opinion, that peace should not be made, desirous as they were of such an event, without a recognition of American Independence, and on such terms as should be acceptable also to the court of France. Propositions had then recently been made to Congress for peace, by sir Guy Carleton, the British commander at New York, in which no notice was taken of the existing treaty between France and America. This was justly considered as inadmissible by Congress and by the people of the United States. And it appeared afterwards, that an attempt was made by the British to form a separate treaty with the French government.

Though Massachusetts was not again required to furnish men for the army, it had a great debt to discharge, and many of the soldiers were returning to their families and their homes, wholly destitute of the means of subsistence, for whom the state was bound, both by justice and gratitude, to provide. The amount owing to the officers and men belonging to Massachusetts was such as would require many years to discharge. The greatest efforts were made by the legislature to pay them a small part of their wages. For the greater part, they were paid in notes, which, on account of the immense debt of the state, soon became so depreciated as to be sold for an eighth of the nominal value. The war worn soldier, who had devoted many years to the cause of liberty and independence, was obliged to part with his reward, which should have cheered the residue of his years, for immediate support. But it was believed, that the defenders of the country would

never be neglected by a grateful and generous people.

In the beginning of 1783, when peace was announced, and the army was about to be disbanded, an alarming spirit of discontent was manifested, which, for a short time, threatened both the tranquillity and liberty of the nation. There appeared an indisposition in some members of Congress to fulfil all the promises which had been made to the officers and soldiers, to the full extent, to which the latter were ready to interpret them. The half pay for life, which, at one period, was promised, was afterwards declined by Congress, because some of the states objected to such a compensation.* This difficulty was finally adjusted, by engaging to pay them the amount of full wages for five years. The officers assented to the alteration; for they had learned that the establishment of half pay for life was very obnoxious to a great portion of their fellow citizens. And they were too patriotic to insist even on a just claim, at the hazard of the public tranquillity.

Congress was able to pay only a very small part of the wages due, which were so much needed; and the officers and soldiers were expecting to be dismissed from the service of the country, entirely destitute; and to be thrown upon the justice or pity, as some of them said, of the several legislatures; the measure of which they also were to decide. All professed to be desirous of having

* Many in Massachusetts ~~even~~ opposed both to the half pay and to five years full pay to the officers. They said it would render the officers rich and insolent; that the taxes were already very oppressive, and that the people were generally dissatisfied with it.

justice done, or guaranteed them by Congress; but many were aware of the present inability of government, and considered it a solemn duty to acquiesce in its decisions. Others were less considerate, or more selfish; and endeavoured to prevail with their companions to adopt a resolution, not to separate or lay down their arms, until their demands and wishes were fully complied with. A combination was projected, of a very dangerous character, which threatened to subject the country to a military despotism. The principal authors of this nefarious project were unknown; but they were justly obnoxious to the censure and indignation of a virtuous people. General Washington, and other officers of high rank,* expressed strong disapprobation of this daring plan; and gave themselves no rest until it was wholly abandoned. But the spirit had taken such deep hold of the army, that it required all their influence and exertions to suppress the combination.

In the course of the year, (1783) the troops were disbanded, and retired quietly to their respective homes. General Washington previously addressed them in a solemn and affectionate manner; and while he acknowledged their past services, he exhorted them to demean themselves as obedient and useful citizens. When he took his final leave of the officers, he was much affected; and they also were deeply penetrated by mingled sentiments of regret and esteem; which rendered the parting interview most pathetic and interesting.

* General Knox, and colonel Brooks of Massachusetts were among those who exerted themselves to suppress this dangerous conspiracy.

The taxes had been so great for several years, and the public demands so urgent, that many individual debts had been neglected. Great indulgence had been generally granted; but creditors at length began to call in earnest for their dues. Where small sums were to be collected, the costs amounted almost to the original debt. This became a subject of great complaint among the common people: and a law was made for the purpose of affording them relief, by authorizing justices of the peace to take acknowledgment of debts; and if the same were not paid within a stated period, to compel payment by execution. The usual costs of Court were thus avoided; but in some instances there was cause of complaint on the part of the creditor, that too much indulgence was granted by the magistrates, or that he suffered through their ignorance of the common forms and principles of law.

A tax of 200,000*l.* was laid early in the year (1782) but the collection was long delayed, and the wants of the army being very pressing, the legislature was obliged to borrow large sums, and to pledge the tax for the payment. In addition to the pay of the militia who were employed during the preceding year, and the interest due to those who had loaned their money to the public, the General Court had to provide for paying balances, to a large amount, to the continental soldiers belonging to the State. It was bound to pay them the real value of their wages; and for two or three years, the depreciation of continental paper, in which they were paid, was very great: for the whole of their wages also, at one period, the State had to provide; though the sum thus

advanced was to be passed to its credit, in a final adjustment with the continent. For 1783, the public tax was the same as the preceding year; and new loans were obtained, by prevailing on those public creditors who were entitled to a part of the principal due them by the State, to receive new paper instead of specie. Had the creditors of the Commonwealth insisted upon payment when it was due, it would have been possible to comply with their demands, only by resorting to new loans to a great amount. Even the soldiers, destitute as they were, could only obtain a small part of their wages in cash; and notes were given them, payable at different periods. Those who retained their certificates for several years, were fully paid; but many were necessitated to throw them into the market, by which they suffered extremely. During this year, the act was passed for raising money by impost, and it afforded great facility in discharging the demands upon the public treasury. The amount collected through the United States was little short of a million annually, for several years. In compliance with a requisition of Congress, in the month of May, the General Court caused large sums to be remitted to the continental Financier, to enable him to pay the officers and soldiers then about to be disbanded, a part of their wages, which had been expressly promised them.

Some of those native Americans, who had joined the enemy when the war began, or afterwards, when the British army was most successful, proposed to return to the State at this time. The return of such characters was prohibited by a law of the General Court in 1778. There appeared

a disposition to disregard or to evade the law of the State ; and some individuals of this description, perhaps, might have been permitted to return and reside in the United States, without any danger to the public tranquillity. But it was found difficult to discriminate. At a subsequent period, however, some of those who had not been active against America were granted liberty to come into the State ; and were justly esteemed as honest and useful citizens. The families of even those who were justly obnoxious to the patriots of Massachusetts, if they remained in the country, were treated with great indulgence, and allowed a reasonable part of the estate which belonged to their absent head.

It was stated by Congress, that the necessary expenses for 1783, including interest and instalments on the public debt, would amount to six millions of dollars ; four of which were to be borrowed in Europe, and two to be raised by the States. The proportion required of Massachusetts was 320,000. This sum was to be paid quarterly, and charged to the account of the United States. In the course of this year, Congress also recommended to the several States, to provide for raising their respective quotas of a million and half of dollars annually, for twenty-five years ; the part assigned for Massachusetts, amounted to 224,000.

Mr. Hancock was elected governor, and Mr. Cushing lieutenant-governor, (1783) for the fourth time, with great unanimity. Mr. S. Adams was again chosen president of the Senate, and Mr. T. Dalton, speaker of the House of Representatives. The delegates in Congress from Massachusetts, were Mr. Gerry, Holten. Partridge, Higginson.

Gorham, and Osgood. Two of the ministers of the United States at foreign courts, at this period, were citizens of Massachusetts. John Adams had been five years in that capacity ; and with Franklin, Jay, and Laurens, was specially empowered to make peace with Great Britain, agreeably to instructions given by Congress. Francis Dana was appointed minister to Russia in 1779, and returned to America towards the close of 1783. The next year, he was chosen one of the delegates to Congress, with Messrs. Gerry, Partridge, and Osgood ; and in 1785, appointed a Judge of the Supreme Judicial Court.

The intelligence of peace was received with the greatest joy by all classes of people. The preliminaries were agreed to early in 1783 ; but the definitive treaty was not signed till the 3d of September. It secured to the United States the rich blessings of liberty and independence, for which they had maintained an arduous struggle during eight years. A great debt, indeed, was accumulated by the war ; but, by the truly patriotic citizens, this was considered a price for civil freedom, which they were most willing to pay. The shortsighted complained, because of the immediate sacrifices it required of them : but the more intelligent were satisfied of the abundant resources of the country, and perceived the high destiny which awaited it. The great majority of people, even in the United States, where the means of education are provided for all, are generally governed by their feelings rather than by reason ; and are influenced in their opinions, by immediate calamity or prosperity, more than by the prospect of great but distant good. The burden of taxes was too

heavy to be endured without complaint, except by the virtuous and considerate part of the community : and envy had some influence in adding to the general discontent. It was pretended, that the officers of the army, especially if they should receive half pay for life, or full wages for five years, after they had left the public service, would have a greater allowance than they could justly claim ; and that they would therefore probably consider themselves of a higher grade in society than their fellow citizens. It was also said, that if the officers of the army had ably served the country and suffered much in its defence, the people who remained at home had been obliged to make great efforts to procure and pay men at various periods of the war. The argument was more specious than solid. For most of the officers had left their regular occupations in life ; and it was difficult to resume them. And they, more than any other class of people, suffered by the depreciation of the public paper.

The governor, in his public address to the General Court, in October, the first session after the peace, felicitated the members on the auspicious event, and reminded them of the great obligations the country was under to provide for a just and full compensation to those who had been engaged in the war of the revolution. Their meritorious services, he said, should never be forgotten. He also advised to immediate and effectual measures to maintain the public credit and to satisfy the demands upon the state. A tax of 140,000*l.* was soon after assessed upon the inhabitants of Massachusetts, for the sole purpose of paying that part of the notes formerly given to the officers and sol-

diers of the revolutionary army,* which were then due.

The legislature, at a succeeding session instructed their delegates to obtain a resolve of Congress for settling the accounts of the state, for expenses incurred during the war. It was confidently believed, that Massachusetts had made greater advances towards the general expenses than its just share : and, at a later day, when an adjustment was made, it appeared that the opinion was not unfounded. The General Court of Massachusetts also proposed, that Congress should have power granted to it by the several states, to make laws for the general regulation of foreign commerce. Some of the states still omitted to pass a law for raising a revenue by duties on goods imported into the country as recommended. This led to an evasion of the laws for that purpose, in the states adjoining. During this political year a resolution was adopted by the legislature expressing an opinion of the impropriety of the appointment by Congress, of any of its members to lucrative offices ; several instances had occurred, and was considered contrary to the principles of a republican government.

A judgment of the Supreme Judicial Court in the course of this year, given in the county of Worcester, was a final decision unfavourable to the existence of slavery in Massachusetts. The case originated some time before, and was occasioned by a citizen beating and imprisoning his negro servant, whom he considered a slave. Public opinion had, indeed, been long decidedly against the prac-

* The pay of the representatives for *five* sessions amounted only to 11,000*l*.

tice of holding any human being in involuntary slavery. The odious and highly criminal traffic of human beings was never allowed in Massachusetts. A few years after the first settlement of New England, the court ordered two Africans brought into the colony by the captain of a vessel, with the intention of being sold for slaves, and supposed to have been kidnapped on the coast of Africa, to be sent back to their own country. Many however were holden in bondage within the province, till the revolution. The inconsistency of such a practice with the theory and the claims of the Americans was very apparent; and generally those negroes who wished for freedom were granted the indulgence by their masters. The first article in the declaration of rights, which is a part of the constitution of the state, adopted in 1780, acknowledges "that all men are born free and equal." This was inserted, no doubt, as a general axiom. But it was also said, at the time, that there was a reference to the condition of the Africans, which had been held in slavery in Massachusetts, and was still advocated in some other parts of the country, by the plea of necessity. The man who claimed to own the slave and pleaded a right to beat and imprison him, was adjudged guilty of an assault, and sentenced to pay a fine of forty shillings.

In the spring of 1784, the General court ordered that the number of people should be ascertained; and the return gave only 358,000. When a census was taken eight years before, it appeared there were 349,000. But there was a great objection to the measure at the latter period, and many omissions in the returns at the former: an opinion prevailed that the number was much great-

er at both periods.* The small increase for these eight years may be accounted for by the fact, that some removed from the state during that period, to Vermont and New York; and that great numbers perished in the field, in camp and in prisons. Eight or nine thousand were lost to the state in these different ways. A great portion of these died in confinement when prisoners of war. The charge was repeatedly made, and probably with some truth, that the American soldiers and seamen, when taken by the British, were not treated with that attention and humanity, which might have been expected from a civilized and christian nation. In the prison ships at New York, great numbers died through gross inattention.

In April 1784, Congress called upon the states to furnish five millions and an half of dollars, to meet demands against the continent, and necessary to be discharged in the course of the year: but a great part of this sum would be furnished by payment of the arrears of three preceding years. Its requisitions for the three years were twelve millions of dollars; and the amount required of Massachusetts was 1,800,000. The state was still in arrears for this sum, 730,500 dollars. No additional direct tax for the continent, therefore, was required this year; but the amount of what was already due, besides the impost† and an appropriation by the state for the payment of a part of the wages, which had been before promised the soldiers, constituted a large sum, which it was exceedingly diffi-

* It was supposed the whole number was at least 400,000.

† The imposts collected for Suffolk for the year 1784, was \$27,000: for the whole state \$57,000.

cult to raise. Many of the soldiers, discharged the preceding year, received notes payable in a few months, as there were no funds to pay them at the time, which now become due; Congress was unable to obtain any new loans in Europe, this year, (indeed, the French minister informed Dr. Franklin that the interest and a part of the principal of the debt due to his nation would be expected) and a new requisition was *confidentially* made to the several states for the sum of 636,000 dollars to satisfy immediate demands, the share of which for Massachusetts to furnish was 95,000. There was an unwillingness to have the great necessities of the country publicly known.

The General Court appointed a committee to state the accounts of the Commonwealth for expenses incurred in defence of the country during the war, and to prepare for a settlement with agents to be chosen by Congress. An application was made to that body for such an adjustment. They requested an allowance also for the expenses attending the expedition against the British at Penobscot; which, though projected by Massachusetts, was designed for the general welfare, and was undertaken with the knowledge of Congress. At the same time, the delegates were instructed to have provision made for an allowance to the state, on account of the bounties it had given men to enlist in the continental army; and for an indemnification to those citizens of Massachusetts who held the depreciated paper of the continent, and by which they must suffer, except Congress should allow them some compensation. When a recommendation was made to the states two years before, to call in their respective quotas of the

bills of the old emission, Massachusetts collected its full portion. It could not receive any more, but at its own loss, as there was no resolve of Congress to redeem them. Those individuals, therefore, who were in possession of such bills, were believed to have a fair claim upon the continental government.

At a subsequent session of this political year, while Congress were considering the subject of a permanent military* establishment, the two houses ordered letters to be written to their delegates, to oppose any plan which should provide for maintaining a large force. They were opposed, from principle, to a standing army in time of peace; and the consideration of the expense furnished a powerful objection. But Congress did not consider it proper to disband all the troops; for the British had not given up the posts on the northern and western frontiers; and the Indians in some places, still discovered a hostile disposition.

The legislature likewise passed a resolve, in which they expressed an opinion, that interest ought not to be recovered on British debts, the validity of which the treaty had acknowledged, during the period of the war. They considered it unreasonable that interest should be required while the two countries were engaged in hostilities: and their feelings, probably, had some influence in the opinion they formed on the subject, as many demands were made by those who had deserted the country, when their aid and their services were necessary for its welfare. The property of

* The number proposed was four regiments of infantry, one of artillery, and one of engineers.

such persons had been declared forfeited to the state; and their credits were justly liable to the same disposition. There was less objection to paying the debts due to British merchants, contracted before the revolution; but it was contended that these even should not receive the usual interest during the time, when all connexion was suspended between the two countries.

The treaty of peace with Great Britain provided, "that there should be no further confiscation of the estates of those Americans who adhered to the English government in the revolution:—that creditors on both sides should recover their bona fide debts—and that Congress recommend to the respective states to restore the property of all British subjects, living in the other provinces of Britain, or who had not borne arms against the United States. The legislature of Massachusetts did not immediately comply with all these propositions. A law was passed in 1784, in which, assuming and declaring its rights as a sovereign state, and consequently its authority to forbid the residence of aliens, and to decide what conduct would be proper for the state to pursue towards all such, it was enacted that those who had fled to the British for protection in the revolution were to be considered and treated as aliens, and not intitled to claim and receive any estate or property left within the state; that no property confiscated would be restored; that the credits, as well as the real estate of the absentees, belonged to the Commonwealth; and that they would not be permitted to return to the country. They also provided by law for the judicial court to suspend judgment on actions brought by any British

subjects until further directions from the legislature, as they were of opinion the interest during the time of the war ought not to be recovered. This, perhaps, was an improper interference, on the part of the legislature, with the powers and duty of the judiciary. Congress afterwards declared, that the treaty ratified by that body, was binding in all its parts upon the several states, and enjoined a repeal of any laws repugnant to its stipulations. Massachusetts soon after passed a bill repealing all laws of the state which were contrary to, and inconsistent with, the articles of the treaty with England. The legislature had before ordered, that no further confiscations should be made, and allowed absentees of a certain description, and who had not actually aided the British in the war, to return and reside for a limited time, with the particular consent of the supreme executive of the state.

The General Court also passed a law in 1784, to excuse a debtor from paying interest on money, of which he had tendered payment before the first of January 1777. Many persons refused to receive the paper in circulation, at an early day, even before it had depreciated; and it was deemed just by the legislature, that they should lose the interest afterwards. But many supposed the law was not sanctioned by the constitution.

Towards the close of this year, a representation was made to the governor, that the British were making encroachments on the eastern part of the state adjoining to Nova Scotia. This might have been done without a design to trespass upon the American territory; for it was a question, which was the true river St. Croix, intended in

the treaty, as the boundary between the British territory, and the United States, there being two, to which that name had been formerly applied. A committee was appointed to enquire as to the facts, both of the encroachments and of the true boundary; and application was made to Congress for their advice on the subject. The next year, a report was made by the committee stating the uncertainty of the boundary line, and the probability that the encroachments were not made from a hostile disposition. Commissioners were soon after appointed by Congress, and the bounds were amicably fixed.

During the winter session of the legislature in 1785, governor Hancock resigned the office of chief magistrate, giving as the reason the very infirm state of his health. His constitution was never apparently very firm; and ten years of unremitting public service, under circumstances of great anxiety and responsibility, had rendered him extremely feeble. He needed repose from political duties and cares, and there were some of his fellow citizens who complained of his administration. It was a period of great discontent among the people of Massachusetts, on account of the extreme burden of the public taxes. Many were of opinion, the evil might have been lessened by more efficient measures for collecting the taxes within the year in which they were laid. But they had been suffered to accumulate for several years; and the successor of Mr. Hancock was subjected to more than ordinary difficulties in his administration on this account.

The patriotism of Mr. Hancock was never doubted; nor were his talents or fidelity even

called in question: but he was deficient, perhaps, in that uniformity and firmness, which are highly important in a chief magistrate. In a public officer, however, popularity is no certain proof of ability or honesty of purpose: and opposition is sometimes made to the most upright administration. In their address to Mr. Hancock, in reply to his communication resigning his office, the General Court regretted both the event and the occasion of it; and expressed a high sense of his patriotic and useful services to the country.* Lieutenant governor Cushing filled the chair the residue of the political year.

At this session, an additional excise act was passed, "on paper, parchment and vellum," on which a fee was required for deeds, writs, policies of insurance, &c. to be paid over to a public officer for the use of the Commonwealth. A great quantity of British goods was imported this year into the state, and was the occasion of much uneasiness among the people. For the manufactures of the country were thereby checked, and the amount of specie in circulation was rapidly diminishing. The intelligent patriots lamented this eager desire for articles of foreign production; and were anxious to restrain it by regulations on foreign commerce and on the importation of goods from other countries. But they believed Congress could more effectually provide against the evil by negotiation with foreign nations. The common people com-

* Mr. Hancock was chosen a representative for Boston in May following. The legislature appointed him a delegate to Congress the same year; when he was again chosen to preside over the deliberations of that body.

plained more loudly.* They saw British merchants and British agents crowding their goods into the state, many of which they considered as mere luxuries, for which nothing but gold and silver was given in exchange: and yet many, who perceived and complained of the detriment which was afflicting the country, gave their sanction to these speculations, by purchasing the articles imported. But it is more common to detect and to censure a mischievous policy, than to practise that self denial which would prevent its deleterious effects.

* Some of the importers of English goods were insulted by the populace.

CHAPTER XI.

Mr. Bowdoin governor... His opinions and Speech... Proposes more power to Congress... Embarrassments on commerce... Plan to pay debt... British captain's insolence... Old taxes not collected... New ones assessed... Criminals confined to labour... Convention in Maine... Proposal to authorise Congress to regulate commerce... Convention proposed for revising corporation... Mr. Bowdoin governor 1786... Urges payment of debt.

At the election in 1785, Mr. Bowdoin was chosen governor, by the Senate and House of Representatives, the people not having given him a majority of votes. By those who were ignorant of his true character, or who had selfish purposes to promote in opposing him, he was represented as unduly attached to the British government; so early was this accusation made against some of the purest patriots of the country. There was not in truth, any foundation for such a charge. He had early and uniformly opposed the oppressive measures of the British ministry. He was repeatedly debarred from a seat in the council, by Hutchinson, when elected to that body by the patriotic assembly of Massachusetts. He was one of the first delegates to the Continental Congress in 1774; and president of the Supreme Executive Council in 1775 and '76: and his conduct had been that of a decided, consistent advocate of

the liberties of America.* But he was less ardent in his disposition, and less desirous of conforming to merely popular sentiments than many others; who became, therefore, the greater favourites of the common people. He was distinguished for correctness of judgment and for great moderation in action; but was possessed also of that firmness and decision of character which procure respectability, and qualify a man for the duties of a public station. The favour and applause of the people were not his chief object; he sought rather their true and permanent welfare, by reminding them of their obligations, and giving them an example of all the social and moral virtues.†

Mr. Bowdoin came into the chair at a critical period. There was a very great debt standing against the State, and the public credit was not yet placed upon such a foundation as to satisfy those who had demands upon it. Many were in immediate necessity for their dues, and others had not entire confidence in the disposition of the legislature to do them perfect justice. The people were still complaining of the allowance of five years' wages to the officers of the late army, and of the high salaries given to some public officers. Some were dissatisfied with the impost, and some with the excise. The commercial intercourse

* One of Mr. Bowdoin's sons in law was an English gentleman. But he was a man of most excellent character, and a friend of America. This circumstance served as a pretext for the charge of British partiality.

† Messrs. Gerry, Holten, Partridge, and King were delegates to Congress for 1785, and Mr. Hancock part of the year.

with other nations was not beneficial to America, nor was there any practical reciprocity in the trade of the United States and foreign countries. Many of those who adhered to the British government during the revolution, were now returning to the State; and if a great portion of the people were opposed to their residence in the country, others were of opinion that a discrimination might justly be made, by which some of that description should be allowed to return, with the expectation of their demeaning themselves as good citizens.

In such circumstances, it would have been impossible for the governor to relieve all the wants, and remove all the complaints of the people; or even to avoid the censures of some particular class or party of citizens. It was too great a task for any individual, or any legislative body to perform at once. Nothing but the resolute efforts of the whole community could remedy the distress and evils which prevailed. The citizens, generally, were so well principled, that they would have endured any privations for the liberty of the country, as they had often done in the period of the war; but it was their unhappiness to have lost a just confidence in some of the most upright statesmen, and to have imbibed mistaken views of the course and the means necessary to the permanent welfare of the country.

Mr. Bowdoin had a deep sense of the responsibility of his station, and of the necessity of great exertions, both in the legislature and the people, to provide a remedy for the difficulties which existed. The following extracts from his speech, when the General Court informed him they were

ready to proceed upon the public business, will shew his views on commerce and public credit. After declaring his determination to make the constitution his guide, he observed :—

“ The state of our foreign trade, which has given such general uneasiness, and the operation of which, through the extravagant importations, and use of foreign manufactures, has occasioned a large balance against us, demands serious consideration. To satisfy that balance, our money is exported, which, with all the remittances now in our power, falls far short of a sufficiency. Those means, which have been greatly lessened by the war, are gradually enlarging ; but they cannot increase to their former amplitude, so long as Great Britain and other nations continue the commercial systems they have lately adopted. They have an undoubted right to regulate their trade with us, and to admit into their ports, on their own terms, the vessels and cargoes which go from the United States, or to refuse an admittance ; their own interest, or their sense of it, being the only principle to dictate those regulations, when no treaty of commerce is subsisting. The United States have the same right, and ought to regulate their foreign trade on the same principle. And it is a misfortune that Congress has not yet been authorized for that purpose by all the States. If there be any thing wanting on the part of this State to complete that authority, it lies with you, gentlemen, to mature it ; and until Congress shall ordain the necessary regulations, you will please to consider what further is needful to be done on our part, to remedy the evils, of which the merchant, tradesman, and manufac-

turer, and indeed all other description of persons among us, so justly complain.

“These evils, so far as they arise from the contracted system adopted by Great Britain, will be felt by herself; for it not only abridges the means of paying the great balance due to her, but must lessen the future demand for her manufactures; in consequence of which, it may be expected that her merchants and manufacturers, when they experience those effects, of which they are already sensible, will petition their parliament to take off the duties and restraints to which the new regulations have subjected the American trade.

“Though we feel a present inconvenience from these regulations, they will eventually produce a happy effect, by lessening our use of British commodities, most of which are superfluous and unnecessary; and by compelling us to adopt a plan of frugality and economy, the want of which is the principal source of our difficulties.

“Lately emerged from a bloody and expensive war, a heavy debt upon us in consequence of it, our finances deranged, and our credit to reestablish, it will require time to remove those difficulties; and this must be effected by the same means a prudent individual, in like circumstances, would adopt; by retrenching unnecessary expenses, practising strict economy, providing ways for lessening his debts, duly paying the interest, and manifesting to his creditors and to the world, that in all his transactions he is guided by principles of honour and strict honesty. In this way, and in this way only, can public credit be maintained or restored; and when government, by an undeviating adherence to these principles, shall have firmly esta-

blished it, they will have the satisfaction to see that they can obtain loans, in preference to any other borrowers whatever. If I am not mistaken, a fund may be established for the regular payment of a great part of the interest of the public debt.*

“It is of great importance that Congress should be vested with all the powers necessary to preserve the Union; to manage the general concerns of it, and secure and promote its common interest. That interest, so far as it depends on a commercial intercourse with foreign nations, the Confederation does not sufficiently provide for; and this, and the other States are now experiencing the wants of such a provision.

“This deficiency of power may be the result of a first principle, a caution to preserve to each State all the powers not necessary to be delegated; with respect to which, as there was room for a variety of opinions, they could not all be certainly known at the time of forming the confederation. Experience, however, has shown the necessity of delegating to Congress farther powers; which, on the same principle of caution, may be limited to a certain time; and afterwards continued or altered, at the pleasure of the States. This matter merits your particular attention; and if you think that Congress should be vested with more ample powers, and that special delegates should be convened

* The plan of the governor, to which he here referred, was a large manufactory or manufactories for pot and pearl ashes; great quantities of which were then made in the interior towns, where the people were clearing new fields. The governor supposed, if encouraged and well managed, they would yield a large public revenue, or enable the people to discharge the taxes due the government.

to settle and define them, you will take the necessary measures for obtaining such a convention, or Congress, whose agreement, when confirmed by the States, would ascertain those powers."

The two houses united in reply to the speech of the governor, in which they expressed the highest respect for his character; and said—

"It shall be our earnest endeavour, at all times, to contribute to the establishment of the federal government of these States on a firm basis, and on such principles as may best tend to procure a just distribution of power, perfect the Union, preserve and secure the rights and liberties of individuals, and promote public, private, and social happiness." They also declared their resolution to provide for the support of the public credit, and the payment of the debts of the State.*

The General Court passed the following resolves, on the subject of the inefficiency of the powers of Congress, and of the expediency of having a convention to revise the articles of Confederation.

"As the prosperity and happiness of a nation cannot be secured without a due proportion of power in the rulers of the State, the present embarrassed situation of our public affairs must lead the mind of the most inattentive observer to realize the necessity of a revision of the powers vested in Congress by the articles of confederation; and as we conceive it to be equally the duty and privilege of every State in the Union freely

* The merchants and tradesmen of Boston presented an address to the governor, congratulating him on his election, and declaring their confidence in his integrity and patriotism.

to communicate their sentiments to the rest, on every subject relating to their common interest, and to solicit their concurrence in such measures as the exigency of their public affairs may require, therefore, *Resolved*, that, in the opinion of this Court, the present powers of Congress, as contained in the articles of confederation, are not fully adequate to the great purposes they were originally designed to effect.

Resolved, that, in the opinion of this Court, it is highly expedient, if not indispensably necessary, that there should be a convention of delegates, from all the States in the Union, at some convenient place, as soon as may be, for the sole purpose of revising the Confederation, and reporting to Congress how far it may be necessary to alter or enlarge the same.

Resolved, that Congress be requested to recommend a convention of delegates from all the States, at such time and place as they may think convenient, to revise the Confederation, and report to Congress how far it may be necessary, in their opinion, to alter or enlarge the same, in order to secure and perpetuate the primary objects of the Union."

A letter was written to the President of Congress, by desire of the legislature, and signed by the governor, requesting that these resolutions might be laid before that body; and the delegates from Massachusetts were instructed to the subject.

A few days after he took the chair, the governor issued a proclamation, exhorting the people of the State to cherish the interests of learning, and to provide for the education of youth; and urging the importance of industry, frugality, and sobriety.

By request of the General Court, the governor wrote also to the executives of the other States, proposing to them to pass laws regulating commerce and navigation, for the purpose of preventing the contracted and monopolizing policy of England; and suggesting the propriety of giving more power to Congress on the subject, by which a uniformity of proceedings, in relation to commerce with foreign countries, might take place; the result of which, it was believed, would be beneficial to the United States, and induce Great Britain to a more liberal conduct in the concerns of trade. Such a law was passed by the legislature of Massachusetts, in June, (1785), by which British vessels were forbidden to carry the products of the United States; they were also prohibited entering and unloading their cargoes, if brought from ports and places from which American vessels were excluded; and confined to Boston, Falmouth, (Maine), and Dartmouth, as ports of entry. The object of the acts, then recently passed by the British government, was to prevent vessels of the United States transporting their own produce, or importing such goods as they wanted for their own consumption; and to engross the whole business of navigation, especially the carrying trade to themselves, which was a very serious and alarming evil to the people in the New-England States. The impost law was also revised, and higher duties charged to all articles imported, which were considered superfluous, or which might interfere with the manufactures of the country, which it was then the policy of the government to encourage. This was a wise provision; for the people indulged in much extrava-

gance in the use of foreign goods, and the country was greatly impoverished.

The plan of government for raising a revenue to the state by the manufacture of pot and pearl ashes was not carried into effect. The design was that the people should be encouraged to manufacture and deposit it with some public agent, and that it be sold for the state, the individual to be credited on his tax to the amount for which it sold, and thus prevent the purchase of foreign and superfluous goods, which was usually taken in exchange for ashes. Such a plan would have put some limits to extravagance and increased a valuable manufacture. A law was made, however, for the survey and inspection of ashes, which had a salutary effect. The article exported from Massachusetts has always been considered more pure, and has commanded a higher price than from any other state. The governor also advised to the manufacture of gun powder, and to the raising of sheep, for the purpose of gradually lessening the amount of imposts, and exciting people to provide more generally the necessary articles of life. The importation of common woollen cloths were very great at this period.

The legislature, at this session, authorised their delegates in Congress to agree to an alteration of the eighth article of the confederation of the thirteen states. As it originally was, it provided that the quota of each state's tax to the continent should be fixed according to the value of lands and buildings. The amendment provided, that it should thenceforth be according to the number of white and other free citizens, and of three-fifths of all other persons. As an inducement to the people

to pay their taxes, at an early day after they were assessed, the governor proposed that a premium should be offered for prompt payment, and the interest be required of such as did not pay at the time fixed by the statute.

Soon after governor Bowdoin came into office, his firmness was subjected to a severe trial by the insolent behaviour of a British naval officer, whose ship was then lying in the harbour of Boston. In consequence of the monopolizing policy of the British government, relative to trade and commerce, and of the arbitrary conduct, both of its individual subjects and public agents in several instances, the prejudices of the people were very strong, at this period, against all British officers; and in this particular case, some insults were offered to the captain and a party belonging to the English frigate. The captain, exaggerating the affair and pretending to be in fear of further insult, applied to the governor, who assured him, that he should be protected. It afterwards appeared, that the captain claimed a certain man as his servant, who was formerly in his service, and attempted to seize and convey him on board his ship by force; and that he had received the insult, of which he complained, on account of his own violent and illegal conduct. When, therefore, he complained a second time, the governor informed him, that the laws afforded protection to strangers as well as to native citizens. But the officer was offended, that the governor did not adopt some special measures to gratify his pride, and accused Mr. Bowdoin of prevarication; still claiming of him particular interference in his behalf. The governor repelled the insolent suggestions in the captain's letters with great dignity and

firmness. Finding his situation unpleasant, and probably sensible of the impropriety of his conduct, which was universally condemned, he soon left the harbour. As this behaviour was an insult to the country, as well as to the governor of Massachusetts, Mr. Bowdoin gave information of the affair to Congress; and a resolution was passed to represent the affair, through the American envoy, to the British government. The conduct of the officer was justly censured in his own country.

The governor gave particular attention to the finances of the state; and in October, at the second session of the General Court, he made a full statement of the debt of the Commonwealth, and suggested the means of providing for the payment, in such manner as he believed would be satisfactory to the public creditors. The amount of the debt was 5,000,000 dollars.* The receipts on excise and imposts for the year past was 190,000, and on auctions 3,600. An additional sum was expected to accrue from the revised impost act; which, with 100,000*l.* tax for fifteen years, would discharge the whole debt, both principal and interest.

A great part of the debt consisted of army notes, and consolidated notes† so called; but these, it was proposed to renew, as many of the public creditors would be willing to wait a longer time, on assurance, of receiving their interest with punctuality. There were, besides, large sums still to be collected, on account of taxes laid for some years before, both for the

* This was the state debt; the proportion of the continental debt was estimated at nearly the same amount.

† Those were so denominated, which had been given to the public creditors, when the state was unable to pay their demands, and paper money was called in.

state and continent. But, though this would lessen the amount of a new tax, to be assessed for the current year, it would, in fact, afford no relief to the people, who, by being called upon for all arrears, were required to pay large sums into the public treasury. For want of prompt and uniform measures through the states to regulate commerce, and to put a stop to large importations of foreign goods, and that in foreign vessels, with little in return but specie, the embarrassments of the country continued, the people of all classes complained, and it was extremely difficult, in many cases impossible, for them to pay the taxes which were assessed upon them. The governor was very urgent with the General Court, to provide for the debt of the Commonwealth, and for the payment of the sums required of the state by Congress. He acknowledged that the burden of taxes was very great: but he reminded them also, that it was the price of their independence; and that extraordinary efforts were necessary to maintain the public credit, and to save the country from ruin. His advice and recommendations were considered most judicious and seasonable, by all intelligent citizens: and had the legislature pursued the course he pointed out, with unwavering steps, it would probably have saved the state from the disgrace and expense of an insurrection, which took place at the close of the following year. But many of the General Court were wanting in sufficient resolution to lay the taxes, or to order the collection of them, which the exigency required. There was, indeed, some apology for their remissness, arising from the sacrifices, which it would be necessary for the people to make, in order to pay

the amount of taxes, in addition to those before assessed and unpaid, which the full support of public credit required. But the public burdens should have been timely met by corresponding exertions. Delay served only to increase the difficulty, without affording any real satisfaction to the people. If the General Court had firmly supported the views of the governor, the creditors of the state would have had confidence in the government, and willingly renewed their loans to the Commonwealth; while, so long as the state was supposed to be unable, or was unwilling, to pay its just debts, its creditors would be earnest in their demands for immediate payment. It was well known, that the distresses of the people were great, and there was a sincere disposition to relieve them: but it was also seen, that the only remedy was in extraordinary efforts, and in frugality and economy.

The governor referred, in his speech to the legislature, in October, to a convention then recently held in Portland for the purpose of forming the district of Maine into a separate state. There were several persons, in that part of the Commonwealth, desirous of a separation; and they had prevailed with others, from various parts of that district, to convene, and consider the expediency of such a measure. The proceedings, as those believed, who assembled, were very regular, and consistent with good order; for it was their intention to ascertain the opinion of the people generally, and if agreeable to them, to petition the General Court for a separation. But the governor spoke of their conduct, as “of bad tendency;” and there were many in Massachusetts who believed it was

not the proper and regular mode of proceeding to hold conventions in the manner that was called ; but to obtain the consent of the General Court to refer the subject, in the first place, to the people for their opinion. Before the General Court was prorogued, a joint address was presented to the governor from the senate and representatives, thanking him for his attention and fidelity in the concerns of the state,* admitting the importance of providing for the support of public credit, and promising to attend particularly to the subject, at the next session. One excuse for declining to vote a tax, at that time was, that a valuation had been ordered to be taken of the property of the Commonwealth, which, when received would enable them to apportion it more equitably upon the respective towns.

The governor had other reasons, besides his own conviction of the propriety and rectitude of the measure, to urge the General Court to take immediate order for collecting the taxes already assessed, and to make provision for still further sums, with all possible despatch. In the course of three or four months, he had received several letters from the continental commissioners of finance, requesting immediate remittance of a part of the arrears, which had been long due from Massachusetts, and stating the necessity of receiving the remainder within a short period. They also gave information, that a new requisition would be made on several states for a large sum, which would

* They referred, especially, to his statement of the public debt, and the plan for reducing it; and expressed an earnest desire, "that he would continue to give his attention to the important subject."

be expected to be paid early in the year 1786. Before the legislature assembled again, which was in January, the governor had additional communications from Congress, pressing the payment of the former quotas, and requiring the further sum of 448,000 dollars to be provided at an early period, as their faith was pledged for a large amount. All these papers were laid before the two houses, by the governor, who again expressed his deep sense of the necessity of their *immediate* attention to the requisitions of Congress, and his anxiety at the embarrassed condition of the Commonwealth. The whole sum called for by Congress, being the amount of arrears and new apportionment, was 981,000 dollars; only one third of this however, was to be paid in specie, the other two-thirds might be provided for by new loans, at the option of the state. A continental loan office in the capital of the state facilitated such a measure, so long as the credit of the Commonwealth was maintained, by paying the demands of those who held notes payable at the office, or by a prompt payment of interest, and a renewal of such loans as the creditor was willing to grant. The whole amount to be collected by direct tax, on account of the state, was 333,000 dollars: and the sum of 300,000 was calculated would be raised by the impost and excise laws.

A law was enacted in 1785 for the confinement of certain convicts to hard labour on Castle island. Public opinion was opposed to corporal punishments; and it was believed, that imprisonment, united to laborious service, would be likely to reform the criminal. The laws already required confinement to houses of correction in the different counties for some offences; but there were few

such buildings erected in the state; and it was only for the lesser crimes, that such punishment was provided. It was now ordered by the General Court, that a large workshop should be erected on the island, and the barracks fitted for the reception of those sentenced to hard labour and confinement for a longer term than a year. Afterward, when that island was ceded to the United States, a building was provided at Charlestown, for the reception and employment of convicts, with the view of effecting their reformation, as well as of preventing the further commission of crimes. The great benefit expected in reforming those confined has not been fully realized. But it is difficult to decide, whether this be owing to a defect in the system, as there is no real solitary confinement, or to its insufficiency to reform the very depraved persons who are the subjects of its discipline.

The General Court of Massachusetts early perceived the advantages which would attend a uniform system of commercial regulation, and had, by a particular resolve, given power to their delegates to Congress to agree to such a plan: but it was on condition, that all the other states should conform to the system. They were also desirous of having the revenue, thence arising, collected by their own officers, and of retaining a part of the amount received for the payment of the debts of the state. The system, which Congress would approve, required the collectorsto be by continental officers, and the whole revenue to be at the disposal of that body, to discharge the debts of the United States. The sums collected by the impost duty were, indeed, greatly wanted by Massachusetts, to pay its own particular debts: and it was

also confidently believed by many intelligent citizens, that the state was paying, from year to year, much more than its proportion of the continental debt, as on a settlement, it would be found that she had advanced more than her share of the expences of the war. Congress urged Massachusetts and the other states, which had not then given such power, to authorise their delegates to consent to it. The governor also in October 1785, and January 1786, endeavoured to prevail on the legislature to pass a new act giving complete and unconditional power to Congress to regulate foreign commerce. Before this was decided by the court, a proposal was made, by the assembly of Virginia, for a convention at Annapolis, in September following, to consist of committees from all the states, to take into consideration the commerce and trade of the continent; and to agree upon some general plan, or to delegate power to Congress to legislate on the subject. A committee was accordingly appointed by the General Court, consisting of Caleb Davis, B. Goodhue, T. Dalton and J. C. Jones: several of these gentlemen declined, and F. Dana, S. Higginson, G. Cabot and E. Gerry were appointed. Only five states were represented in this meeting, and therefore no plan was adopted for the general regulation of the commerce of the country. But it was recommended by the meeting, that there should be a convention at Philadelphia in May 1786, to be composed of delegates from all the states, for the purpose of revising the articles of the confederation, and giving power to Congress sufficient for adopting and enforcing all such regulations, "as should be necessary for the credit, respectability and prosperity of the country."

The finances of the continent at this time were in a very unsettled and embarrassed condition. Its debt in Europe was very great, and the Congress was owing a large amount, exclusive and independent of what the respective states individually were bound to pay for the common benefit. Had the states collected and paid over to the continental government the sums demanded for several years; the debt would have been much lessened. But all the states were greatly in arrears to Congress, each having debts of its own to provide for. The governor was desirous to comply with the requisition of Congress, by giving to that body the whole power over the imposts, or to appropriate the revenue arising from it, to such purposes as was required. But it was not till the federal government was organized under the new constitution, that Congress had the full power to regulate commerce, and to command the revenue arising therefrom.

Mr. Bowdoin was chosen governor, in 1786, by the people, having received about three fourths of the votes of the whole state. Mr. Cushing was again elected lieutenant governor; Samuel Phillips, Junr. President of the Senate, and Artemas Ward, Speaker of the House of Representatives. The House of Representatives consisted of two hundred members; many of whom were not of the house the former year. The counsellors were, Spooner, Holton, Gill, Cushing, Greenleaf, Cutts, Fuller, Phillips and Ellis; the delegates to Congress, Goreham, Sedgwick, King and Dane.

The governor particularly urged upon the attention of the legislature the interests of Harvard College. He alluded to the article in the consti-

tution, which required the General Court to provide for its support and prosperity, and proposed that all former grants of lands be secured, and a portion in the new township reserved for its use. He reminded them, that it was always an object dear to their fathers; that even the British government had extended to the institution its fostering care; and he expressed his confidence, that a republican legislature could not neglect the interests of science. But a great part of his elaborate speech had reference to the finances of the state. As he had done at the two former sessions, he expressed great concern on account of the pecuniary embarrassments of the Commonwealth, and declared again his solemn opinion, that some more prompt and efficient measures had become indispensably necessary. A large amount was due on army notes and other public securities; a great part of the former taxes remained uncollected; and the portion required of the state, by Congress, for the arrears of three past years, with the additional sum for the present year (1786;) making in the whole almost a million and a half of dollars. This indeed, was a heavy tax. The exhibit was alarming and discouraging to the people. It was impossible perhaps to collect it in one year. But the evil might have been avoided in a great degree by an earlier attention on the part of the General Court. The governor had discharged his high duty, by giving early information, urging some provision, and warning the General Court of the disastrous consequence of inattention and delay. He did not indeed insist, either at this time, or at the two preceding sessions, when he referred to the subject, that the whole tax of the state and the

sums required by Congress should be raised, at once. But he did most earnestly urge upon them, the necessity of paying the interest; of furnishing the third of the amount desired by Congress, in specie; and of opening new loans, connected with such a plan for paying promptly future interest and annual instalments on the principle, as should satisfy public creditors of the disposition of the assembly to do them ample justice, and to give them confidence in the promises of the government. But many of the General Court were actuated by mistaken views of the public welfare, and were unwilling to press the people to such payments as the condition of the state imperiously demanded. More energy during the years 1783 and 1784, and a full statement to the people of the public debt, might have afforded seasonable relief, and prevented, in some measure, the embarrassment, with which the Commonwealth was now struggling.

In 1781, when the officers and soldiers of the army were urgent for their wages, and when it was extremely difficult to prevail with them to continue in the public service, the legislature engaged punctual payment of interest, and payment of the principal in six successive years; and passed a law authorising the treasurer to issue warrants even if no tax bill should be voted by the legislature, for assessing and collecting the sums necessary for the purpose. The governor reminded the General Court of this law, and stated that it would be the duty of the treasurer to issue warrants in July, unless they should expressly direct him to suspend them. He suggested, that if a part now due, with the interest, was provided for, the resi-

due might be met by giving new notes to the creditors: but that seven hundred thousand dollars appeared to be necessary, to be collected, the greater part, by a direct tax, to discharge demands upon the state; and 224,000 dollars, to comply with the requisitions of Congress. And yet the legislature directed the treasurer to suspend his warrants for the sums necessary to pay off the public securities, for which such taxes had been previously promised.

The conduct of the legislature was represented by some as wavering and inconsistent. Perhaps, as it regarded the majority, there was little foundation for such a charge. The situation of the Commonwealth was very critical; and the immediate representatives of the people were desirous of affording all possible relief to their fellow citizens; yet, at the same time, they discovered a disposition to support public credit and to comply with the demands of Congress. They granted a large sum at the request of that body, to satisfy demands before made, by a tax on the polls and estates of the people. When a proposition was made to issue paper bills, to order them to be received in payment of public debts and even to be made a tender in all cases, and also to allow the payment of common debts by specific articles of produce, it received the negative of five sixths of the representatives.

The General Court was prorogued, early in July, to the month of January; but, on account of the prevailing complaints among the people, which, in August, were followed by county conventions and open opposition to government, in stopping the courts of justice, and threatening the entire pros-

uration of law and order, the governor called a special session in September. The council unanimously advised to this measure. The principal complaints of the people were the following. The excise law, and the application of the revenue arising from that and from the impost law to the payment of continental taxes, and notes due at the loan office and to the officers and soldiers of the late army, instead of being put into the treasury to discharge the common expences of government.—The usual mode of apportioning direct taxes; the poorer classes alleging that the poll tax was too high, and the farmers that land was valued too highly, and commercial property not enough: the compensation allowed the officers of the army was considered a *grievance* by some, and objections were made to paying them, “at the expence of the sufferings of their fellow citizens,” as was pretended. This was, indeed, a singular complaint; for they had the notes of government, which it was not in the power of the legislature to cancel; and a great portion were too just, as well as too grateful, to wish to deprive them of their due. Another source of discontent was the great amount of private debts, which had long been suffered to accumulate.—The costs in civil suits, and in the collection of debts gave occasion for complaint also: and it was pretended that lawyers had an undue influence and were growing rich, at the expence of the common people. Some even objected to the courts of common pleas as an unnecessary burden. Objections were made to the constitution of the state; and the senate declared to be superfluous, or worse. Some desired a new emission of paper, in the hope that a remedy would thereby be provided for

their pecuniary embarrassments. Some proposed the payment of the debt of the state by paying only the sum for which public paper was purchased, when at its greatest depreciation.

The single fact, that the taxes were extremely high and burdensome, is sufficient perhaps, to account for all the uneasiness, which prevailed. But, to the well informed and reflecting citizens, the disposition both of the governor and of the General Court to grant all the indulgence and forbearance consistent with the public credit, was sufficiently apparent; and must have induced them, most willingly, to submit to the requisitions, which were made upon them. But many of the lower class of people had imbibed improper notions of government, in consequence of the revolution, and of the opposition formerly made to the arbitrary acts of the British parliament. And a few artful and unprincipled men took advantage of their mistakes and sufferings, and persuaded them, that they had a right, in irregular conventions and by force, to rid themselves of the restraints of law and government. The riots which took place, however, were rather the effect of excitement under their heavy burdens, than of any settled belief with many, that they might justly oppose the laws of the state. A vast majority of the citizens were too intelligent and too well disposed, to resolve, deliberately, to disobey the authority of government. There was, indeed, at one time, much cause for alarm, when even a comparatively small portion of the people were so infatuated as to take up arms to oppose the government of their own creation, or to refuse to pay the price of their civil privileges; and it required the vigilance, the wisdom, and firmness of the friends of good order to quell the spirit of misrule.

CHAPTER XII.

Convention in Hampshire county . . . Also in other countries . . . Complaints of taxes and courts . . . Courts interrupted . . . Militia called out to support government . . . Extra session of the General Court . . . Approved of the conduct of the governor . . . And endeavour to provide relief to the public . . . Middlesex militia . . . County conventions renewed and forcible opposition to government . . . Settlement of dispute with New York . . . Courts again obstructed . . . Insurgents embodied . . . And militia called out.

In the early part of August a convention was holden at Hatfield, composed of delegates from about fifty towns in the county of Hampshire, being five sixths of the whole number. They assembled openly, and declared their object to be, "to consider and provide a remedy for the grievances they suffered." They professed to disapprove of all mobs and riots; and probably a majority of them were sincere in the declaration and did not meditate any forcible opposition to government. The error, in the well disposed, was to assemble in such a manner; as it only served to inflame the minds of the more ignorant, and gave opportunity to the more artful to exert an influence extremely dangerous. The regular mode of seeking a redress of their grievances and sufferings would have been an application to the legislature, through their representatives, who would have

afforded all suitable indulgence and all possible relief. For the legislature, composed of citizens of the state, whose interests, whose prosperity, whose rights and whose destiny, were the same as those of all the people, would be as ready to provide for the comfort and the rights of their constituents, as for the authority of government.

This convention continued in session three days. Their first vote was, "that the convention was constitutional." They then proceeded to consider the causes of complaint among the people; which they believed to be the following.—The senate in the legislature, which they alleged was not a representative body of the citizens, and was a restraint upon their immediate deputies or agents. The rule of representation was objected against as unequal; all salaries, they insisted, ought to be granted annually, and all civil officers appointed by the General Court.—Fees for judges and others, they believed were too great.—The courts of Common Pleas and of sessions were unnecessary.—The *whole* appropriation of the impost and excise duties to pay the public debt, especially army notes, was condemned; and a suggestion made that a part of it ought to be applied to the annual support of the government.—Some salaries of public officers were too high.—The existing rule of laying taxes was objected to, in assessing so much on polls and on lands; expence of law suits; want of circulating medium; General Court sitting in Boston; neglect in settling with Congress, as it was believed the state was called upon for more than its portion; and the haste with which collectors were required to collect the taxes, many of which were due.

The convention proposed that paper bills should be issued, that they should be made a tender, and be received in payment of public securities and other notes due the officers of the army or those who had loaned money to the Commonwealth. They also declared an opinion for having the constitution revised and altered. And they passed a vote, that the governor should be required to call the General Court together immediately to act upon these various subjects. Their votes and proceedings were ordered to be published, and copies to be forwarded to Worcester and Berkshire, where conventions were already proposed to be holden: and the chairman was authorised to call another meeting, if application should be made to him for the purpose.

It was evident, that many of their complaints were unreasonable, and that some of their proposals were inconsistent with the dignity of government and the honour and good faith of the states. No one denied that the public burdens were difficult to be borne; nor were there any who did not lament the condition of the people, and desire to provide some relief. But the convention, even supposing a majority of its members to have been averse from open opposition to the laws, was considered an improper means for redress. When one was proposed in the county of Suffolk, in 1784, with a view to prevent the payment of the commutation promised to the officers of the army, the citizens of Boston, Roxbury and some other towns severely condemned the measure; choosing rather to submit to the opinion of the General Court on the subject, which was the only competent body, indeed, to decide upon it.

In three weeks after the convention at Hatfield, notwithstanding its censure upon all mobs and riots, 1500 men, chiefly armed, assembled at Northampton, the shire of the county, and prevented the sitting of the court of Common Pleas. They were determined there should be a suspension of the regular processes of law: But probably they had no settled plan, as yet, to dispense with all judicial courts. On a representation of this alarming outrage, the governor issued a proclamation, forbidding all assemblies of the people for unlawful purposes, and calling upon the officers of the government and the good citizens of the Commonwealth, to aid in suppressing such dangerous combinations. The council were not in session at the time; and he consulted the attorney general and senators and representatives, the judges of the court, who were in the vicinity. The prudent proclamation of the governor had little effect. The evil increased; the discontented became bold and forward in their censures upon the conduct of the General Court, and of the executive. The spirit of misrule and insurrection spread extensively and rapidly. In Worcester, Middlesex, Bristol, and Berkshire, it threatened similar acts of disorder as had been committed in Hampshire.

The first of September, the Court of Common Pleas for Worcester county was not suffered to be opened. About 300 armed men assembled, took possession of the Court House, and would not permit the judges to enter: and, soon after, when the Supreme Court held a regular term at Springfield, the insurgents collected in large numbers, to prevent them. The governor was early informed that they would probably interrupt the sit-

ting of this court, and he ordered major general Shepard, commanding the division of militia in that county, to take possession of the Court House, if there was just reason to apprehend any violent proceedings, on the part of the malcontents. General Shepard collected 500 of the militia, and prepared to obey the order of the Supreme Executive. Many of the officers and men who joined him, were very respectable for property and information. The insurgents, however, assembled, on the morning of the day fixed for the sitting of the Court, and in greater numbers than it had been supposed they could collect. The principal and most active leader of the party was captain Daniel Shays, who had been sometime an officer in the continental army. They appeared much disappointed and enraged to find the Court House already in possession of those, who resolved to support the authority of government. The Justices of the Court exhibited great firmness on the occasion; refusing to receive any message from the rioters, who had requested that no indictments might be sustained against any of their party. But the alarm and anxiety of the citizens was so great, that it was concluded to adjourn the court on the third day of the session.

The conduct of the insurgents was very insolent; and in some cases they threatened those who would not join them. There was a serious apprehension, at one period, that they would have attacked the militia under general Shepard. But they were probably convinced of his resolution and bravery, and prudently avoided a contest. His conduct was highly applauded for moderation and coolness. Indeed, his object and his orders

were to act on the defensive, and to support the civil authority. On the fourth day after they had assembled, the insurgents dispersed, much to the relief and comfort of the good people of Springfield and vicinity.

The Justices of the Supreme Court did not consider it prudent to go into the county of Berkshire, at this time; believing that it might irritate the discontented part of the people, and that probably no business could be regularly accomplished. The insurgents expected the Judges would come into the county to hold the Court, although it had been otherwise reported; and a considerable number of them collected, many of them armed, in the shire of the county, with an intention to prevent the sitting of the Court. Their behaviour was very reprehensible; the people were greatly alarmed, and some were threatened with personal injury.

Major general Cobb, of Bristol county, who was also the chief justice of the court of common pleas, was apprehensive of violent proceedings by the discontented in that quarter; and although he had received an intimation from the governor,* that the militia would not probably be needed on the occasion, he had ordered several companies to appear at Taunton, the shire of the county, on the morning the Court was to meet. This was a

* In the absence of the Council, the governor consulted some civil and military officers, on the expediency of ordering out the militia, both in Middlesex and Bristol, to support the courts, which, it was apprehended, would be interrupted. It was hoped there would be no opposition, and therefore the governor gave directions merely to call out the militia in case of necessity.

seasonable and judicious measure. The malcontents appeared in greater numbers than the militia, who had been ordered for protection of the Court. But the firm and spirited conduct of general Cobb* convinced them of the extreme danger of their enterprise; and they separated, without any attempt to prevent the sitting of the Court. It was decided, however, by the Court, that the great alarm and uneasiness which prevailed, rendered it proper to adjourn to a future day.

In Middlesex, the malcontents succeeded in obstructing the Court. It was believed, by many respectable citizens of the county, that the proclamation of the governor, together with the influence of the friends of order, would deter them from resorting to force, and prevail on them to seek relief from the legislature. But they were mistaken in the favourable opinion they had formed of the discontented part of the community. The insurgents assembled, and forbid the justices to transact the ordinary business of the Court. They were not so numerous in Middlesex as in Worcester or Hampshire; but expecting they would not appear in forcible opposition to the Court, the governor had not ordered out the militia for its protection. A convention had then been lately holden in the county, but it was not attended by delegates from a majority of the towns; nor did it complain of all the measures of government, which had been censured at similar meetings, in other parts of the Commonwealth.

* He approached the insurgents, and declared to them. "that he would sit as a judge, or die as a general." They knew his character too well to think of intimidating him.

But there were some persons in Middlesex who openly avowed the most disorganizing sentiments, and whom nothing but fear could deter from violent proceedings.

The General Court met the last of September, in obedience to a special summons from the governor, to consult on measures for allaying the discontents of the people, and maintaining the dignity of the laws. The governor gave a full and faithful statement of the recent proceedings of the malcontents in different parts of the Commonwealth, and of the measures which he had pursued in relation to them. He gave a decided opinion in favour of some efficient measures to restore tranquillity, and to support the authority of government; while, at the same time, he expressed a desire that all suitable forbearance and relief should be extended to the people, under their heavy burdens. He expressly condemned the conduct of the insurgents, in the manner they were seeking redress, whatever might be their sufferings, by forcible opposition to constitutional authority; and pointed out the regular mode for obtaining relief by application to the legislature. All that was proper in the executive, he had done, with great promptness and decision; and he was aware of the propriety, in a free government, of having the immediate representatives of the people devise means for preserving order in the Commonwealth, and furnishing such redress as the exigency required, or the condition of the state would admit.

The General Court censured the irregular and violent conduct of the insurgents; and the majority were disposed to make all suitable provisions

for giving due strength to the arm of government. They passed a law against all riots and unlawful assemblies; and, after some discussion and some opposition, suspended the privilege of the writ of *habeas corpus* for eight months. While they were in session, on a report that the discontented would probably attempt to obstruct the sitting of the Supreme Judicial Court in the county of Bristol, they made a particular request to the governor and council, to give orders to the major general of that division to be in readiness, with the militia, to protect the judges in their official duty.*

This was a great relief to the governor; for there was a disposition manifested by a portion of the citizens, to represent his firmness as severity, and to charge him with a want of feeling for the distresses of the people. But proof was thus afforded, that all branches of the legislature were alarmed at the violent proceedings of the insurgents, and were united in support of the constituted authorities of the state.

The discontented, who were opposed to the sitting of the Supreme Court in the county of Bristol, again assembled, and most of them with fire arms; but the promptitude and resolution of the major general, as on a former occasion, when the Court of Common Pleas convened, obliged them to disperse. It was proof of great lenity in government, as this was a second design, by force, to interrupt the regular course of justice, that the leaders were not immediately seized and punished; or confined,

* This request was made by a joint committee of the General Court, consisting of S. Adams, J. Brooks, D. Davis and T. Dalton, who personally waited on the executive for the purpose.

as an inducement to others to cease their opposition.

Several acts were passed, at this session, for the immediate relief of the people ; some of which could not have been considered proper, except in the existing state of the country, which required all possible indulgence. Indeed, if every thing was not done for the alleviation of the burdens of the people, which they expected or desired, it was because a supreme regard to justice, to order, and to constitutional principles, forbid. The legislature could not annihilate the debt of the Commonwealth, nor dispense entirely with the collection of the taxes laid to discharge it. They could only provide for deferring a part to a future day ; and allow the people to pay in such articles as their farms and their occupation would command.

They accordingly passed acts for lessening the expenses of suits at law ; for allowing the debtor to discharge executions by real or personal estate. Provision was also made for paying a part of the state tax in specific articles, instead of specie. A part of the revenue arising from excise and imposts, though formerly pledged for the payment of interest on the debt of the state to officers of the late army, and to those who had loaned their money to the Commonwealth, was appropriated to the support of government ; by which the necessity for collecting the direct tax would be less urgent. And all who would appear before some magistrate of the county in which they resided, acknowledging the impropriety of all forcible opposition to government, and taking an oath of allegiance to the Commonwealth, and an oath to support the constitution and the laws, were to receive a full pardon and restored to the rights of citizenship.

An address to the people was likewise prepared and published by the two houses of assembly, in which a statement was made of the public debt, of the particular object and appropriation of the taxes, and of the requisitions of Congress. The people were solemnly urged to consider the fatal consequences of a repetition of such irregular proceedings, as had taken place in several counties; and to make an effort, by great frugality and economy, to lessen the amount both of public and private debts. They were assured, that the legislature was fully disposed to afford all relief and indulgence, consistent with good faith and with a just regard to constitutional principles; but that those who continued to oppose the wholesome laws of the state and the regular course of justice would be treated as rebels against the Commonwealth.

An agreement was made, at this period, by a number of the most respectable characters in the state, to discourage the use and importation of foreign goods; to wear domestic cloths; and in other ways, to encourage economy and industry. The governor, lieutenant governor, several members of the council and senate, and many other persons of wealth and influence joined the association. Much of the distress of the times was owing to an extravagant use of foreign articles, which commanded a great price, and by means of which, the specie, which should have been applied to the payment of taxes and common debts, was sent out of the state.

While the legislature was in session, and in the early part of November, it was apprehended, from the movements of some malcontents in the northern parts of the county of Middlesex, that they

would attempt to interrupt the usual sitting of the Supreme Court in Cambridge. As in the case of Bristol county, a short time before, the senate and house made a particular application to the governor to issue orders to the major general of the militia of the third division, to be prepared with a sufficient force to afford such protection to the Court as might be necessary. Orders were accordingly given to major general Brooks, commanding officer of the militia in Middlesex, to make his arrangements for calling out several regiments on the occasion. Two regiments were also detached, from Essex and the same number from Suffolk, to be in readiness for marching to Cambridge, if they should be required.

The insurgents were too prudent to appear at Cambridge, at the meeting of the court, when they learned how powerful and resolute the friends of government were in that vicinity. The whole number of militia, to be called out on this occasion were to be under the immediate command of general Brooks, in whose great prudence and firmness, the governor and legislature had the most perfect confidence. The distant troops, which had been detached, were not ordered out, as it was believed a few regiments would be sufficient to protect the court. Such was the abhorrence of the conduct of the insurgents, and such the disposition to support the government, among the citizens of Suffolk, Essex, and a great part of Middlesex, that the whole of the militia, which had been detached, were prepared to march to Cambridge; but only three regiments and four artillery companies in Middlesex: two independent companies and

two companies of artillery from Boston were required to appear.

The militia, which was assembled, made a fine appearance, under their excellent commander; and were reviewed by the governor, who was attended by the council and many members of the legislature. The commander in chief made an animated address to them, on the occasion, in which he applauded them for the zeal they had manifested in the support of government. A favourable effect was produced by this promptness and alacrity in the militia; and the friends of order felt a confidence, that, whatever might be the designs or the conduct of a few deluded or desperate characters, the great body of the people had a just regard for the constitution and the laws.

The General Court was prorogued early in November, after a session of six weeks faithfully and assiduously devoted to consultations and the adoption of measures for the welfare of the state: and when they separated, it was with a strong belief, that the people would not again appear in opposition to the lawful authority of the government. But there was a large portion of the citizens so infatuated and so much under the influence of a few desperate, unprincipled characters, that, soon after the legislature had closed its session, they held meetings in some of the western counties;* at which they censured the measures recently adopted by their own representatives, and resolved to prevent the regular execution of the laws of the state. A daring spirit was manifested, threatening

* One was holden at Hadley in Hampshire county, and one at Worcester in the former part of the month of November.

forcible opposition to government; and the people were publicly addressed by unauthorised individuals, with the design to inflame and mislead them, and to induce them to arm themselves against the lawful authority of the Commonwealth. It is hardly possible they could have promised themselves success in their rebellious projects; and yet they sometimes discovered a boldness and a confidence, which usually inspire those who are engaged in a righteous cause. There were very few men of respectability or property, however, who countenanced these irregular proceedings; and many who attended the conventions were seeking relief, in their own opinions, only in a reasonable manner, without intending any forcible resistance to the civil authority.

On the day appointed for holding the Court of General Sessions of the peace, for the county of Worcester, towards the close of November, a number of the discontented citizens appeared, and prevented the justices from transacting the usual business of the court. This was not a very large body; and had any opposition to the sitting of the court, at this time, been expected, it might have been easily suppressed by the militia in the vicinity. The malcontents complained that the legislature had not complied with all their requests; and some of them appeared actuated by the belief, that they owed no other obedience to government, but in so far as they might approve of its measures, and that they might dispense with any laws, which were obnoxious to them, at their pleasure. Very few, probably, would have openly avowed such dangerous opinions.

Such was the conduct of the insurgents at Worces-

ter, and some other parts of the state, particularly in the counties of Hampshire and Middlesex, at this time, that the governor considered it his indispensable duty to adopt some decisive measures; and to show to that deluded portion of the people, who seemed still determined to obstruct the regular course of the laws, that the legal guardians of the public welfare would not be silent spectators of such outrages. He issued a general order, as commander in chief of the militia of the Commonwealth, calling upon the several major generals through the state, to see that the men belonging to their respective divisions were equipped, and ready to obey any sudden call for the public service.

The discontented still complained loudly against the conduct of the legislature, and accused them "of being oppressive, or insensible to the distresses of their constituents;" and declared their intention "to seek redress of their grievances in any way which was practicable." The governor was convinced that the period had arrived, when it was to be decided, whether the just authority of government was to be maintained; or whether a lawless force was to be suffered to prevail over all order, justice, and the constitution. And with the wisdom and firmness, for which he was always distinguished, he immediately resolved to make use of all the legal and just authority, with which he was clothed, to crush this daring and alarming insurrection.

But the malcontents were not deterred, by this prompt and decided step in the governor, from continuing their open and forcible opposition to the regular authority of the state. Their leaders probably now expected a severe punishment; and there was no doubt of a secret correspondence be-

tween them, by which they encouraged one another to pursue the course they had begun. They were, probably, deceived as to the numbers who would eventually join them in their opposition to government. They hoped to become sufficiently powerful, to secure their own pardon from the civil authority, and to dictate to the General Court such favourable measures as would afford relief, without a total prostration of law and order, though this was the issue to which their conduct directly tended. Many who complained, and who attended the first conventions, were afterwards convinced of their errors, and had no further intercourse with the insurgents.

A regular term of the Court of Common Pleas was to be holden at Cambridge, for the county of Middlesex, early in December; and it was proposed by the governor, to call out the militia for its protection. Several regiments were ordered to be in preparation to march to that place, if required. But some individuals in Middlesex undertook to promise the discontented, that, if they were quiet, the militia would not be ordered to march. The governor received intelligence of this promise, and believing that no attempts would be made to obstruct the court, did not call out the militia; for he was unwilling to cause any unnecessary expense to the state, or to give needless irritation to the discontented.

But a number of the malcontents collected at Concord, with a hope of meeting others from Bristol, Worcester, and Hampshire, and with a plan to proceed to Cambridge to prevent the sitting of the court. There was evidence, that an effort had been made, notwithstanding the agree-

ment before mentioned, to assemble a large body of the citizens from distant places, to dictate measures to the executive, and to suspend, for some time at least, the usual process of law. But in the county of Bristol, the opposition had, in some measure, ceased, in consequence of the late acts of the General Court, designed for the relief of the people. In the more western parts of the state, also, some who had censured the measures of government, were hesitating as to the propriety or prudence of further opposition. From the county of Worcester, some of the malcontents resolved to join those in Middlesex, as invited, and proceeded a part of the distance; but from some cause, did not prosecute the undertaking.

This renewed act of insurrection, even after the lenient measures of the legislature, and the forbearance of the governor, justly exposed the leaders to the displeasure of the executive; and warrants were accordingly issued against several persons in Middlesex, who were the most active in preventing the sitting of the court, and in exciting the people to oppose the authority of government. Their conduct was most dangerous to the welfare of the state; and by virtue of a late law, suspending the writ of *habeas corpus*, the executive ordered them to be apprehended, and to be committed to prison, to take their trial before the Supreme Judicial Court. The sheriff of Middlesex, a man of great resolution and firmness, was charged with the execution of this unpleasant duty. But he was assisted by several gentlemen of the county, and a company of cavalry from Boston, who volunteered their services on this occasion, in support of the government. A party of

the citizens of Groton, in that county, also, readily joined the sheriff in this expedition. Three of the principal insurgents, belonging to the county of Middlesex, were apprehended by the sheriff and his party; one of them, however, and that the most obnoxious to government, was not taken, till after a long pursuit, and a personal rencontre with one of the cavalry, in which the former was badly wounded. The persons who were apprehended on the warrants of the governor, were conveyed to Boston, and lodged in Suffolk jail.

A party of horse, from the town of Roxbury, consisting of about forty, were sent into the county of Worcester, at the same time the sheriff of Middlesex and his party went in pursuit of the insurgents in this latter county. They were not furnished with warrants, nor authorized to apprehend any individuals; but were instructed to visit the shire of the county, and some other towns, to obtain information as to the plans and movements of the insurgents. Soon after the return of this party, the governor was informed that the insurgents were still collected in a large body, in that county, and would probably attempt to obstruct the sitting of the Court of Common Pleas; a regular term of which was then soon to be holden. A number of the malcontents, as was apprehended, assembled in Worcester, on the first day of the court; but the militia and other citizens of that town, amounting to about two hundred, appeared under arms, near the Court House, on the side of government; and no attempt was made by the rioters to obstruct the court. The judges, however, did not proceed to business, having received advice from the governor to adjourn to a future day. This

was in pursuance of a plan to postpone the courts for a few months, with a view to remove even the pretended causes of complaint, and to decide on a system of conduct, proper to be pursued with efficiency, for the support of government, and the entire suppression of such a daring insurrection.

In the meantime, the insurgents collected from different parts of the county of Worcester, and some from the more western parts of the state; and the day after the adjournment of the court, although the weather was uncommonly severe, and the travelling much impeded by a heavy fall of snow, they were estimated at one thousand. They placed guards at the houses where the judges resided, who still remained in the town; and they billeted themselves upon the inhabitants; and yet, in other respects, their conduct was not marked by any peculiar degree of injury or insolence towards the citizens.

In the county of Hampshire, also, a number of the malcontents were embodied under arms, and manifested a disposition to seek redress by force, for their pretended grievances. An address to the people assembled in this hostile manner, and one purporting to be from their leaders, to the public, appeared in the newspaper printed in that county; from which it was evident, that their great dissatisfaction with the late measures of the General Court still continued, and that they were so much under the influence of prejudice and error, as to expect to obtain the object of their wishes by a change of government, or by compelling the legislature to a compliance with all their requests. The lenity of government served only

to embolden some of them in the prosecution of their dangerous plans. They unjustly accused it of severity, in its declarations of a purpose to punish such as continued their opposition; and, at the same time, by a strange perversion, construed its past forbearance and lenity into weakness or fear. They had neglected seasonably to avail themselves of the clemency of the supreme authority of the state; and they seemed now to set its power at open defiance. This, indeed, was the case with only a part of the malcontents; for many lamented the part they had taken, and were desirous of withdrawing from the conspiracy against the public peace, could they have done it without subjecting themselves to the vengeance of their more daring and inconsiderate companions.

The forbearance of the executive was justly to be attributed to a hope that reflexion would induce the malcontents to desist from their disorganizing plans, and to a strong desire that the mild measures already pursued, would effect what otherwise must be attempted by a military force. But such a hope was weakened by the lapse of every succeeding week and day, which brought new proofs of the dangerous views and intentions of the insurgents, and served to convince the friends of government that a resort must speedily be had to the strong arm of power, to prevent the final triumph of anarchy and misrule. So bold and so infatuated were some of the insurgents, that they proposed to collect all their force, and march to the capital, to liberate those who had been there lately confined. What other objects they contemplated, were not disclosed:

but it was necessary to place the militia in a state of preparation, to prevent such a desperate undertaking. Whether the majority of the malcontents ever deliberately agreed upon such a plan, is difficult to decide; for they generally acted with little concert or system; and if they had formed any plans, they were such as their situation or their fears induced them to adopt, without much previous consideration.

There was, however, so much anxiety and alarm, that the executive directed major general Lincoln, commanding the militia of the first division, to issue orders for the protection of the capital, and to provide for obtaining early information, as to the movements of the insurgents. Major general Brooks was also instructed to have the militia of Middlesex in a condition to march at the shortest notice, to meet them on their approach to the metropolis, should they attempt it.

General Lincoln immediately issued orders for the militia of Boston, and some other parts of Suffolk, to be in readiness to defend it; assigned several military corps their respective stations; and gave directions for an alarm to be given, by the firing of cannon on Fort hill in Boston, if the insurgents should be hardy enough to approach that place.

No attempt, however, was made to march to Boston, for the rescue of the prisoners; and the insurgents left the town of Worcester after a few days, finding it difficult to obtain the means of subsistence. A small portion of them returned to their houses; but not, generally, with any just conviction of the great criminality of their conduct, or with a full determination to forbear all further opposition to government. A considerable number

of them, with Shays, their leader, repaired to Rutland, a distance of about twelve miles, and took shelter in some old barracks, which had been erected during the war of the revolution. They suffered exceedingly from the severity of the weather, it being about the middle of December, as well as from the want of provisions: and it was reported, that at that period, several even of the most active among them, lamented the part they had acted. But it was now too late to claim the pardon, which the General Court had offered two months before, as the insurgents had continued in arms against the government, instead of submitting to its authority and taking the oath of allegiance to the state, the conditions, on which forgiveness had been promised to them. There was, indeed, reason to believe, that Shays made informal intimations to the executive, that he would abandon his plans and his companions, on the assurance of pardon. All that the governor and council could promise was an act of clemency, on his surrendering himself, should he be convicted by the Supreme Court. But there is no evidence, that the promise, if made, was ever communicated to him. Little reliance could be placed in an engagement of the insurgent chief, thus informally made. Many of the party had discovered no intention to adhere to their promises, further than their immediate interest was concerned. It would have been easy for Shays, afterwards, to declare that he had authorised no such engagement; nor would it have been proper in the executive, except in a case of most direct and explicit offer on the part of the insurgents, to give assurances of an act of oblivion for such dangerous conduct. The execu-

tive was disposed, no doubt, to exercise all the lenity towards individuals, which was consistent with the authority of government and the welfare of society; and they might have been satisfied, that, by detaching the leaders, the rest of the citizens, who had appeared in arms, would soon and peaceably retire to their respective homes. It is certain, however, that in a government like ours, the executive could not justly give an absolute assurance of pardon: and it is also to be considered, that if the leaders of the insurrection were sincerely resolved to refrain from all further opposition, it was their duty quietly to disperse, and to trust to the mercy of government, of whose clemency they had the strongest proofs.

But many of the insurgents, it is probable, from their conduct, still had hope of prevailing on government, by threats and by force, to grant their demands; and concluded likewise, that they had already proceeded too far to expect full indemnity for their crimes, and that their only prospect of personal safety was in the success of their opposition. They continued to complain of the legislature, to threaten the officers of government, and to oppose the regular administration of the laws. The court in Hampshire county when they met at Springfield two months before, had adjourned to the latter part of December. Shays and his party proceeded to that place, the day preceding that appointed for the sitting of the court; where others joined his standard, to the number of three hundred. The governor had provided no military support for the court, either hoping that the malcontents would not again appear in arms, or waiting for such movements on their part, as fully to justi-

fy more decisive and energetic measures. The court-house was illegally and forcibly occupied by the insurgents. They presented a paper to the judges, which purported to be a petition, but in which they clearly expressed their intention that the court should not transact any business. The judges were without protection, and concluded not to open the court.

The dispute which had long existed between the Commonwealth and the state of New York, with regard to the claim of Massachusetts to a part of the territory west of Hudson river, was this year brought to an amicable termination. The settlement, however, was not completed without long discussion and much difficulty. New York, at first, denied entirely the right of Massachusetts to any lands west of that river; and claimed the territory as far west as the United States extended, till it interfered with the British possessions: while Massachusetts laid claim to all that tract of land, beyond a certain distance west of the Hudson, and clearly within the early patent of New York, and lying between the southern and northern limits of the patent of Massachusetts bay; which extended in a western direction to the extreme part of the United States, as settled by the treaty of 1783.

The subject was referred to Congress in 1784, by agents from the states of Massachusetts and New York, who were particularly authorised for the purpose. Congress appointed commissioners to hear the respective claims and to settle the controversy. They had several meetings, by the name of a "federal court;" but their deliberations resulted in no opinion satisfactory to the parties. The agents of the two states met at Hartford in

Connecticut, December, 1786; and finally agreed, that Massachusetts should have the pre-emptive right to two large tracts of land, within the bounds it claimed, being in the whole about five millions of acres; two hundred and thirty thousand of which were situated near the centre of the state of New York, and the other, a larger tract, in the more western part of the state, bordering on lake Erie; the jurisdiction over the whole, however, to be in New York. And all the residue claimed by Massachusetts was ceded and relinquished to New York forever; excepting the most western part of the original claim of Massachusetts, west of the lake and within the southern and northern boundaries before mentioned, which had been previously granted and ceded to Congress, and formed a part of the northern and western territory of the United States, bordering on the British possessions. These lands in New York were sold in 1787, and brought into the public treasury of the state one million of dollars. About this time, Congress sold a great part of the public land within the north-western territory which had been ceded by several states, which enabled them to pay off a large part of the continental debt.

The following year (1787) the dispute, which had long existed between Massachusetts and New York, respecting the boundary line between the two states, was also finally adjusted. This line had never been precisely fixed; and contests were frequently occurring between the citizens of these states, living on and near the supposed bounds. There had been various attempts to ascertain the line before the revolution. In 1773, commissioners from both those provinces had agreed to the

principles, on which the bounds should be settled, and it was actually run to the satisfaction of both governments. But the war took place before the agreement received the necessary sanction of the king; and on the return of peace, the subject was again agitated with great interest. Skilful mathematicians and the geographer of the United States, with the consent of Congress, were employed to ascertain and fix the line between the two states, which had become more difficult to settle, on account of the new settlements made and interfering claims set up by individuals in each government. The controversy was finally adjusted conformably, in a great measure, to the agreement made, fourteen years before.

CHAPTER XIII.

Measures adopted to quell the Insurrection . . . General Lincoln commands the Militia . . . Marches to Worcester . . . Insurgents retire, but collect at Springfield, fired upon by General Shepard . . . Pursued by Lincoln . . . Posted at Pelham . . . General Court meet and approve of the conduct of the governor . . . Rebellion declared . . . Shays marches to Petersham . . . Surprised and dispersed by general Lincoln . . . His conduct approved . . . Insurgents in Berkshire subdued . . . Commissioners appointed to grant pardons . . . Several convicted of treason by Supreme Court.

WHEN the governor received intelligence of the conduct of the insurgents, in again obstructing the court in Hampshire by force, and that there was a meditated plan to interrupt it in the county of Worcester, where it was to be holden in a few weeks, he was satisfied of the necessity of calling upon the militia to suppress the rebellion, as it might now be justly called; and to apprehend the leaders of this dangerous opposition, as the only means of safety to the Commonwealth. He consulted the council on this important subject, and they advised to the course, which he suggested. The constitution, indeed, gave power to the governor to provide for the peace and welfare of the state against all hostile attacks and dangerous combinations; and the General Court, at its late extra session, had expressed an opinion, that the militia should be called out, whenever the public exigencies might require such a measure. But it was

both still the duty and the wish of the governor to have the opinion of the council in a situation so novel and responsible.

It was certainly most fortunate for the state, that the executive was then intelligent, firm and decided. Any wavering policy or weak timidity, from a regard to popularity, would have proved fatal to the peace of society and the existence of government. Further forbearance towards the insurgents would have jeopardized the welfare of the whole Commonwealth; and any proposition to negotiate with them would only have given them confidence and dishonoured the government. The governor was aware that the crisis demanded promptitude and decision, and he took his measures accordingly. The majority of the council were also decidedly of opinion, that the strong arm of government must be raised in defence of law and order. Other public officers and intelligent citizens were of opinion, also, that the insurrection should be quelled, before it extended any further, or became more formidable. It was not apprehended, indeed, that the majority of the people of Massachusetts would ever become advocates for such conduct as had been exhibited by a few infatuated men. But it was considered the imperious duty of the government to suppress a rebellion, which was at once injurious and disgraceful to the state.

The executive would have failed in its duty to the people and to the state, had it neglected to adopt measures fully adequate to suppress this dangerous insurrection, with all possible promptitude. To have relied solely upon the sheriff of any county, where the insurgents were collected,

with all the aid he could obtain, would have been unwise. For though in most counties of the state, there was a majority, and in all, a very large and respectable number, in favour of government, a portion of them were too timid to act openly against those who were collected under arms. Besides, while the authority of the sheriff was confined to his own particular county, the malcontents were from several counties, and marched from place to place, as their safety or their plans dictated. The only alternative, therefore, was to call out the militia; and, early in January, (1787) orders were issued for raising 4400. Suffolk, Essex and Middlesex were to furnish 2000; Worcester and Hampshire 2400.

This requisition shews the confidence which the executive had in the good people, generally, in the two last named counties, notwithstanding the greater part of the insurgents belonged to those sections of the Commonwealth. Four companies of artillery were also detached from the counties of Suffolk and Middlesex. Thirty days was to be the term of their service; and major general Lincoln was designated as the commander of this patriotic band, on whom was imposed the irksome duty of marching, in hostile array, against a portion of their fellow citizens. But the obligation was indispensable: and they cheerfully rallied, in defence of a free government and of constitutional liberty, at the call of the chief magistrate, whom they esteemed for his patriotism and wisdom, and under the immediate command of a military character, in whom were united the mildest virtues, with great firmness and resolution.

For the support of this detachment of militia

in defence of government, a loan of 20,000 dollars was effected, from a number of patriotic citizens; as the public treasury was destitute of funds, to meet the charge of the expedition. The creditors of the state were so numerous, at this period, that they were frequently obliged to wait many months for their dues; even such as was promised and had not been relented; and generally, the treasurer was able to satisfy them only by issuing orders on the collectors of the taxes through the state, and thus anticipate the monies which had been assessed for the public service.

In the mean time, the governor, with his usual prudence and under the influence of a disposition, by which he was uniformly actuated, to omit no efforts for the information and welfare of the people, prepared and circulated an address to them; in which he referred to the unjustifiable and dangerous proceedings of the insurgents, to his own late conduct and that of the General Court, by which every reasonable indulgence, and every possible remedy, consistent with justice, order, and the support of the civil authority, had been extended to them: and of the late measure of calling out the militia to protect the courts of law; which, though reluctantly adopted, was rendered necessary by their violent and highly criminal proceedings. "Such opposition to government and the laws," he said, "could not be longer endured; and that their actions, whatever might be their real or pretended motives, tended directly to confusion and anarchy in the state." He also appealed to the good sense, virtue and patriotism of the people, on the absolute necessity of uniting with the officers of government, in opposing the insur-

gents, and rallying round the standard of the constitution.

While the militia, who had been detached, were assembling at the places of rendezvous required, one of which was at Boston, and the other at Springfield, the insurgents became alarmed by the decisive conduct of government; and they forwarded a petition to the Supreme Executive, requesting the discharge of the prisoners in Boston, a general pardon to all who had hitherto opposed the government, and a suspension of the courts of Common Pleas, until after a new choice of representatives, who, they probably supposed, would be more ready to grant all their wishes. But the style of the application was not such as men in their condition might properly address to the lawful authority of the State. They had, also, on former occasions, violated their express engagements, made in a like situation of embarrassment and fear; and more than all, they had continued in arms, and in opposition to the regular authority of the government, long after the period when a pardon had been graciously tendered them. The memorial was considered, by the Executive, as an improper address, highly reprehensible in itself, and requiring an indulgence or an assurance, which the governor and council were not authorized to grant, after the recent decision of the legislature. No promise could have been correctly made by the Executive, that the conditions required by the insurgents, on which their engagement to be obedient and peaceable depended, would be fulfilled by the General Court; for they proposed in their memorial, that some of the judicial courts should be abolished: and besides all these objections to their

application, it purported to be from citizens, some of whose names were not subscribed, and who were not present at the meeting when it was prepared.

In this situation, hopeless as it must have appeared, if they had impartially considered it, the insurgents determined to persevere in open defiance of all legitimate authority; and called upon their fellow citizens to unite with them "in support of their rights," which, they said, the government had denied them. Perceiving such a criminal and dangerous spirit in these deluded people, the governor directed general Lincoln to march immediately to Worcester, and protect the court, which was to be holden on the 23d of January. Instructions were given him as to the great objects of the expedition; but much was left to his own judgment and discretion, in its prosecution. The militia, who had collected in the vicinity of Boston, marched on the 19th of January, and reached Worcester on the 22d; and the insurgents in that county were too much intimidated to attempt any opposition to the sitting of the court, when such a powerful force was prepared to support it. They continued in arms, however, in different parts of the western counties, and concerted a junction of their forces at Springfield, expecting to be able to overpower the militia, called out by the Executive at that place.

Orders had been previously given to major general Shepard, in the county of Hampshire, to take post at the military arsenal in Springfield, with a thousand men, from an early apprehension, that the insurgents would endeavour to obtain possession of it. The previous occupation of this

post by general Shepard, with the militia called out by the executive, did not entirely discourage the insurgents, though many of them were justly alarmed by it. But their numbers were greater than the government troops under general Shepard; and their leaders resolved to gain possession of this important post, if possible, before the arrival of general Lincoln, with the militia from the lower counties. The whole number of the insurgents amounted to about 1800, though they were not then all collected in one body, a part of them being a few miles from Springfield, on the west side of Connecticut river. But the object of all was alike criminal, in intending to obstruct the courts, and even to attack the militia, who had assembled by the orders, and under the authority of government.

The situation of general Shepard, at this time, was very critical. General Lincoln was still at Worcester: the insurgents at and near Springfield were numerous and desperate; and they attempted to persuade Lincoln that they wished to negotiate, with a view, probably, to delay his march to that place, that they might attack Shepard before he was reinforced, and obtain possession of the public arsenal. General Lincoln was not deceived by this artifice; but before he reached Springfield, whither he hastened for the relief and support of Shepard, of whose dangerous situation he had been informed, the latter was threatened with an attack by the insurgents under Shays, then encamped within a very short distance. When general Shepard found that they were resolved to attack him, and were approaching the place where he was posted, he sent messengers to inform

them, that he was acting under the authority both of the state and of Congress;* and declared his resolution to defend the arsenal, of which he had reason to believe they intended to take possession. They were not deterred, by this declaration, from continuing to advance. His situation became extremely alarming. But his prudence and firmness did not forsake him. He sent a second message, forbidding them to approach any nearer, and repeating his purpose to defend himself and post, whatever might be the disastrous event. They still advanced towards him, and in an attitude, which convinced him of their plan to seize the place by force. Thus threatened, and thus dangerously situated, general Shepard gave orders to fire two of his cannon; to be so aimed, however, as not to injure any of the deluded people. But this measure did not produce the effect which he had hoped. They continued to advance; when he believed the moment had arrived that required him to act with more decision and effect: for he felt himself responsible for the events of the day, and for the issue of this affair, which would probably decide the fate of the Commonwealth. For, if the insurgents had gained possession of this military post, they would immediately have become formidable to the state. It was no time to hesitate; and he accordingly ordered several guns to be fired directly into their ranks. Three of them were killed; and the whole party was thrown into

* Congress had, a short time before, given directions to general Shepard to protect the arsenal at Springfield, which belonged to the United States.

disorder, and fled, with great precipitation, to one of the adjoining towns.

The leaders of the insurgents were not discouraged by this unfortunate affair. Some of the party, indeed, were induced, after this event, to desert the standard of rebellion: but Shays received a large reinforcement from Berkshire county; and, thus strengthened, he meditated a second attack upon general Shepard, with the ultimate object of gaining possession of the military stores belonging to the public. But general Lincoln arrived from Worcester, on the 27th of the month, with four regiments of infantry, a battalion of artillery, and one company of cavalry, which gave great joy to the peaceable inhabitants, and afforded efficient support to Shepard, and the government party under his command.

It was concluded to pursue the insurgents without delay; and general Lincoln, with most of the men who accompanied him from Worcester, passed the Connecticut river, on the ice, in the search of a party, which had been collecting at West Springfield for several days, and with whom, it was believed, Shays would endeavour to form a junction; while general Shepard, with the militia belonging to the county of Hampshire, marched directly up the river in pursuit of Shays, who had gone in that direction, with the force under his immediate command. The former party of the insurgents retreated to Northampton, in great confusion; and those on the eastern side of the river, under Shays, proceeded through South Hadley to Amherst.

The friends of government derived great confidence from the firmness of the executive; and

from the promptitude, with which the militia had obeyed the orders of the governor, and the alacrity with which they exposed themselves to arduous service, for the welfare of the state. Several volunteer companies were in preparation to join general Lincoln, if their aid should be required; and a number of distinguished citizens,* who were legally excused from military duty, offered their personal assistance, in performing such service as the public tranquillity, or the support of government might render necessary. When general Lincoln was on his way from Worcester to Springfield, and had intelligence of the greater number of insurgents collected and collecting in the vicinity of the latter place, and of their intended plan to take possession of the public arsenal there, he dispatched a messenger to major general Brooks, to march with a portion of the militia of Middlesex. The order was promptly obeyed, and a large body of them proceeded as far as Worcester, when intelligence was received, that the public welfare would not require their further service, and they returned.

But the insurgents, although they were obliged to retire from Springfield, to elude the formidable force under generals Lincoln and Shepard, were not yet induced to disperse; nor did they manifest any disposition to submit to the authority of the government. Their leaders could now justly expect no special favour, having continued in active and open hostility to the lawful authority of the state: and it was their interest to retain as many

* Among these were generals Tupper and Putnam, and colonel Baldwin, late officers in the continental army.

of the people in their party as possible, with the hope of final success in their objects, or the belief, that so long as the discontented were numerous, the treatment of individuals would be less severe. They were also deceived, in their calculations of support from different parts of the Commonwealth; and they even pretended to expect aid from the people of the adjoining states.

Although the different parties of insurgents were prevented from uniting their forces, they continued in such large numbers as to require the vigilance of the governmental troops. Shays retired through Amherst towards Pelham, with the great body of the malcontents, and was pursued by the militia under general Lincoln. But when the latter reached Amherst, he found it necessary to return to Hadley, to obtain provisions and shelter for his men; who had become quite exhausted, by a long and continued march, at that inclement season of the year.* Those on the west side of the river, also, remained in considerable numbers, threatening the friends of government, and evidently seeking an opportunity of joining the party under Shays, for a more decided and formidable opposition. They met with a small party of the troops, who belonged to general Shepard's command, and detained them as prisoners. The company of volunteers from Brookfield, with a few others, were sent in pursuit of this body of insurgents, and for the rescue of their brethren, who were kept by them in duress. The insurgents, who were almost double the num-

* An unusual quantity of snow fell in December, and for the whole month of January, the cold was very severe.

ber of the party of volunteers, were overtaken, at the distance of about twenty miles from Northampton. Each party prepared for an attack. But by the great firmness and intrepidity of the volunteer corps,* many of the insurgents were induced to give up their arms; and the others escaped.

General Lincoln remained a few days, at Hadley, from a regard to the comfort of his troops, who had been much exposed, and suffered greatly during their late rapid march, as well as from a hope, that a little time for reflection, would induce the greater part of the insurgents to quit the criminal course they were pursuing. It appeared from his letters to the governor, that he had no doubt the most of them were deceived by a few artful men, who had grossly misinterpreted the measures and views of government, and it was his desire and purpose, if possible, to suppress the insurrection, without further bloodshed. Knowing, also, their want of system, and of all sufficient means of becoming really formidable to government, he felt no necessity of an immediate attack upon Shays and his party.

Attempts were made for holding conventions, in several counties, at this time, by a class of men, who affected to censure the conduct of the insurgents for overt acts of opposition to the government; but who pretended that the discontents of the people were so great, that such meetings were necessary to consult on measures for the public quiet. But many of those who favoured this plan, were known to have apologized for, if they had

* Tupper and Baldwin were in this party of volunteers

not fully approved, the proceedings of the insurgents. It was also considered, by the majority, as a very irregular mode of obtaining relief, for any real or supposed grievances; and that the legislature, composed of the representatives of the people, was the only constitutional body authorised for the purpose, was then to meet in a few days. The intelligent and patriotic citizens, therefore, in all parts of the state, were found in opposition to these county meetings.

On the second day after general Lincoln arrived at Hadley, he addressed a letter to Shays, then at Pelham, about twenty miles distance, but in the same county; in which he referred explicitly to the criminal purposes and conduct of the insurgents, in assembling under arms against the government of the state; to their embarrassed situation; and to the personal consequences of their continuing in a posture of rebellion. As the lawful agent of the executive, he required Shays to communicate the letter to the deluded citizens who were assembled with him at Pelham, that they might avail of the lenity of government, and prevent a severe, but just punishment. But he gave no intimation of pardon to the leaders of the mob, or to those who had distinguished themselves by their open hostility to the officers of government, other than might be justly hoped, from the wisdom and lenity of the legislature. He added, that if they did not peaceably separate, he should immediately march his troops to Pelham; and if attacked or resisted, the leaders of the insurgents would be answerable for all the consequences which might ensue. Resolute as he was in the discharge of his duty as a public officer, he was.

at the same time, desirous of sparing the lives of his fellow citizens.

In their reply to the note of general Lincoln, Shays and others, who were considered officers of the insurgent band, proposed several conditions, which it was impossible for him to approve or accept. They insisted upon an assurance of a general and unconditional pardon; intimating, that they had sought only for a redress of real grievances, which they suffered. If this could not be promised, they asked for a suspension of all hostilities, until they could present a petition to the General Court, and learn the result. To this evasive and unsatisfactory answer, general Lincoln immediately replied, that their request was inadmissible, as his instructions would not justify any delay in his operations, and that he had no authority to decide ultimately upon their fate; that he had not commenced hostilities; that he must again warn the people assembled in arms against government to disband, as they would avoid the evils which might follow from a disregard of this warning.

The time had now arrived for the meeting of the General Court, which had been prorogued from the former session, to the last of January. The governor immediately gave them full information of the proceedings of the malcontents, subsequently to the previous session; of the measures which he had adopted to suppress the disorders in the state; and of the success, which had hitherto attended the troops under general Lincoln, ordered out for the service of the Commonwealth. This conduct of the executive was highly approved by the legislature;* and they publicly and deliberate-

* As the course pursued by Mr. Bowdoin was considered

ly declared the existence of a dangerous *rebellion* in the Commonwealth. The views of the General Court cannot be so well exhibited, as by referring to their declaration *in extenso*. It was adopted by the two Houses on the fourth of February, a few days after they assembled.*

They also promptly authorized the governor, by a special resolve, to re-inforce the militia, who were in the service of government under general Lincoln, if it should be deemed necessary; to cause the most active among the insurgents to be arrested; but to pardon such as had probably been deceived, upon surrendering up their arms and taking the oath of allegiance to the Commonwealth. The term, for which the militia who were first enlisted, had then nearly expired; and it was reported, at the time, that the insurgents were increasing, in some of the western counties.

The insurgents forwarded a petition to the General Court, as they had before done to the executive, from the town of Pelham, where they were principally collected, except a small party in Berkshire; in which they acknowledged their error, in opposing the government by force; though they insisted that they had reason to complain of grievances which ought to have been redressed—and promising to lay down their arms and to disperse, upon an assurance of pardon for all their past conduct. The legislature voted that they could not lis-

by some, probably from good motives, as unnecessarily severe, we will give, in the appendix, his speech to the General Court, at this time, and the answer of the two houses thereto. In the senate, it passed *unanimously*; and the house concurred in it by a very large majority. See Appendix No. 2.

* See Appendix No. 3.

ten to a petition from men in arms opposed to government; and that no promise of pardon would be made to the leaders who were justly chargeable with the aggravated crime of rebellion, after repeated warnings and former assurances of clemency. The measures of the General Court on this occasion, were very firm and decisive : and contributed, with the previous course of the executive, to discourage the spirit of insurrection, and to give confidence to the friends of constitutional liberty and order.

Two days after the petition was sent on to the General Court, the insurgents marched from Pelham to Petersham, a distance of about twelve miles; probably with a view to a better accommodation. General Lincoln who was still at Hadley, had early notice of this movement; and thinking, that Shays might proceed eastward and gain new adherents or annoy the inhabitants, he immediately resolved to pursue him. He left Hadley late in the evening and reached Petersham the next morning, after a circuitous march of thirty miles, during a very cold night, in a great part of which a snow storm raged with uncommon severity. The men suffered much by this movement, and several of them were badly frozen. But the object was in a great measure accomplished by this spirited and rapid expedition; and general Lincoln acknowledged the singular patience and fortitude of his troops, in this season of exposure. The insurgents had no intelligence of the approach of general Lincoln; and were thrown into extreme surprise and alarm, as he entered the town. They fled in various directions and in great confusion, without making any opposition. One hundred and

fifty of them were taken in attempting to flee ; but the leaders and the residue of them escaped the vigilance of the constitutional troops. A large number returned, separately, to their homes ; and some left the state, as the only probable means of safety. It was supposed that they might have given a formidable resistance to general Lincoln, if they had opposed him with all their force ; for his men were exceedingly exhausted by their long march at that inclement season. But he was not justly chargeable with any indiscretion, by which the men under his command would be exposed to great danger. He well knew the want of decision and of mutual confidence among the insurgents ; and he made the most judicious arrangement of his troops when he entered Petersham, so that had he been attacked, he felt himself fully prepared to meet them.

The intelligence of this affair spread with rapidity through the state, and gave great animation to all good citizens, especially to the friends of the executive who was responsible for the course adopted to suppress the insurrection. But there were not wanting those who secretly wished for a failure of the measures pursued in support of government. Mr. Bowdoin had political opponents ; and many of the timid and wavering citizens had been averse from the decisive steps, which he considered it his duty to take. The result was such as could not fail to satisfy all impartial men of his judgment and patriotism. And yet a portion of the people complained that the insurgents were not treated with sufficient lenity.

The conduct of general Lincoln received the particular approbation of the legislature ; and the

great body of the people were ready to acknowledge both his prudence and firmness. The new recruit of men, which had been ordered, by government, before the dispersion of the insurgents at Petersham were not sent on; but the legislature authorised the raising of 1500 for four months to supply the place of those who first engaged, if their services should be so long needed. Several small parties of the malcontents were still collected in different parts of the state, and threatened further opposition to the civil authority: and many were known to be restrained only by their fears; ready to rise again, should they have reason to hope for success. In the county of Berkshire, there was still just cause of alarm to the peaceable inhabitants. The insurgents were numerous in that part of the state; and they expected support from the discontented in New York and Vermont. About 500 of the citizens formed a voluntary association for their mutual protection and the support of government. A small party of these were met by a body of the insurgents, who fired a few guns as they first approached; but from a want of confidence in the justice of their object, or a regard for the lives of their fellow citizens, they were reluctant in obeying the orders of their leader to continue their fire; when one of the party who had assembled for the defence of the state, with great resolution rode up to their front, and ordered them to throw down their arms. Some of them fled; but the greater number gave up their arms and were admitted to the oath of allegiance.

Another party of malcontents soon after collected in a different section of the county, and threat-

ened vengeance on the supporters of government. Major general Patterson who commanded the militia in Berkshire, went in pursuit of them but they fled. He followed them from Adams to Williamstown where they were dispersed. But assembling again in still greater force, he sent an express to general Lincoln at Petersham, for assistance. Before the arrival of Lincoln, Patterson met the insurgents at Lee: upon their proposal to disperse, he promised his influence with government to obtain their pardon, or a trial within the county. Soon after this, another party of insurgents entered the county of Berkshire from New York, but chiefly inhabitants of Massachusetts. They proceeded to Stockbridge, where they threatened and put under guard several respectable citizens. Colonel Ashley collected some militia from Great Barrington and Sheffield, for the purpose of opposing them. As he approached them near the latter place, they fired a few guns; but he advanced, and the firing became general on both sides for a few minutes. But the insurgents soon dispersed leaving two of their number dead on the spot where the action took place; and about thirty of their party wounded. Two of the militia under colonel Ashley were also killed.

About the same time, a number of the insurgents collected at New Braintree in Worcester county, and another party at Northfield in the northern part of Hampshire, which put the inhabitants in fear, by their threatening and abusive conduct. The militia were ordered out to disperse them; but the insurgents fled immediately; not, however, without firing from their hiding places upon the people, who were sent against them, and

wounding several of them. Near Northfield, a citizen,* who was in pursuit of one of the leaders of the insurgents, and who met him in a narrow pass, was shot dead. He discharged his piece, at the same moment his antagonist did, but without effect. The criminal escaped to Vermont; but was pursued and taken by a small detachment of militia under captain Buffington, who rendered important service to the state, on several occasions during the insurrection.

The insurgents having fled into the adjoining states, where they could not legally be apprehended by the authority of Massachusetts, the governor, by request of the General Court, made application to the executives of those states respectively, for causing them to be arrested. The chief magistrates of Connecticut and New Hampshire promptly adopted measures for taking up and delivering to the authority of Massachusetts, any persons who had been active in the rebellion, found within their several jurisdictions. In Rhode Island and Vermont, the aid requested was not immediately afforded; but after some delay, and some objections from a portion of the legislatures of these states, they also informed the governor, that they would not protect or harbour any of the citizens of Massachusetts, who had been in arms against the government thereof. The governor of New York, after the legislature gave their sanction to the measure, issued orders to the militia to suppress all riots, and to arrest any of the insurgents of Massachusetts, who might be found within the

* This was a Mr. Jacob Walker of Whately, a worthy and useful citizen.

state. He also proceeded to the eastern boundary of the state, to meet general Lincoln, then in Berkshire; and readily offered all proper assistance for the dispersion or capture of the insurgents.

Before the General Court was adjourned, they passed a resolution for holding special sessions of the Supreme Judicial Court in the counties of Berkshire, Hampshire, and Middlesex, for the trial of the persons who had been taken into custody, on account of the late opposition to the government. The regular term in Worcester would then be at an early day; and therefore no additional provision was made with respect to that county. But it was also particularly provided, that no person who had been engaged in, or had favoured the late rebellion, should be admitted to sit as jurors. The governor was likewise requested by the General Court, to apply to Congress for troops to guard the public arsenal at Springfield, and for authorizing general Lincoln to proceed into the other states, should circumstances render it expedient, to apprehend those persons charged with rebellion in Massachusetts.

With a view to extend all reasonable lenity to that portion of the people, who through ignorance or inconsideration had been induced to rise in opposition to the lawful authority of the state, and towards whom it would be difficult for courts of law to show that indulgence, which a thorough acquaintance with the circumstances of the case would justify, the legislature appointed three commissioners to go into the western counties, and promise indemnity to such as they might consider sincere in their professions of attachment to go-

vernment, and who had not been among the leaders of the rebellion. General Lincoln, and the Hon. Samuel A. Otis, and the Hon. Samuel Phillips, jr. were selected for this delicate and responsible business. They entered upon the duties of their commission in the month of April; and about 300 persons received the favour of government, which was thus offered them.

Desirous, also, to afford every possible relief to the people, consistently with a just regard for the public welfare, and the support of government, it was agreed to lessen the number of terms of the Court of Common Pleas in several counties, and to reduce the amount of fees in various cases of public officers. A bill also passed the two houses for reducing the salary of the governor one third part. When it was laid before the governor for his signature, he objected to it as unconstitutional. He considered it improper also, so near the close of the political year, and uncertain as it was who would next be chosen to the office he held, to give his consent to such a reduction. The salary, which the governor then received, was established soon after the constitution was adopted, and by the express letter of this instrument it was provided "that it should be of a fixed and permanent value." Complaints were made against the governor for objecting to the bill; but, perhaps, he would have been more justly censured had he approved of it.

At the term of the Supreme Court holden in Berkshire, several persons were indicted for treason, six of whom were convicted; in Hampshire the same number were found guilty, and one in each of the counties of Middlesex and Worcester:

and the sentence of death was accordingly passed upon them by the court. Eight of these received the pardon of the supreme executive, and to the others a reprieve was granted. Many others were convicted of seditious practices, a few of whom were magistrates or officers of government. A representative was proved guilty of open opposition to the civil authority ; and was sentenced to sit on the gallows, and to pay a heavy fine.

The commissioners of the General Court, who went into the upper counties to tender the clemency of government to such as they should believe would prove peaceable citizens in future, had an opportunity of learning the sentiments which prevailed respecting the measures of the legislature, and of ascertaining the causes of complaint. They found that the lower classes of people had been misinformed as to the conduct and views of government ; and that there was an unreasonable indulgence in the use of foreign articles, which led them to neglect manufactures, and to expend, in superfluities, what should have been appropriated to the payment of debts and taxes. Private debts had been suffered to accumulate, and the taxes, which each year were very great, had been neglected, till they amounted to such large sums as to destroy almost all hope of discharging them. The appointment of these commissioners had a happy effect, as it discovered a desire in the legislature to discriminate between the artful and unprincipled, who had been the occasion of the rebellion ; and those, who, although not entirely justifiable, had been led to improper practices by misrepresentations or threats. It was proof, likewise, of a disposition in government, to extend all reasonable

indulgence towards the deluded citizens. The General Court, which was in session in May, by a particular call from the government to fill the office of treasurer,* resolved also that the taxes for the preceding year might be collected, in part, by public securities.

While the legislature were in session, in March, the subject of enlarging the powers of Congress was again agitated; and it was agreed to send delegates, to meet in convention, at Philadelphia, in the month of May following. It had been sometime considered, by those who attended to the situation of the country, and who perceived the want of uniformity in the several states, in a prompt compliance with the requisitions of Congress, and in their regulations respecting foreign commerce, that a national government was necessary for the purpose of making laws, which should be really obligatory, instead of being simply advisory; and for forming treaties with other nations, which would eventually advance the interests of navigation, and augment the public revenue. The governor and legislature of Massachusetts had suggested the expediency of vesting Congress with additional powers, for these purposes, more than a year before. The committees, which met at Annapolis in Maryland, in 1786, had expressed an opinion in favour of the plan. The House of Assembly, of Virginia, afterwards, particularly approved of a convention of delegates from all the states, for the attainment of this object. And Congress had also voted to recommend the speedy adoption of such a measure.

* Mr. Ivers, the treasurer of the state, died suddenly, and there was no provision by law (as afterwards) for an appointment by the executive.

The credit of the nation was suffering at home and abroad. A great debt was due to France and Holland, which Congress had incurred for the benefit of all the states, in a season of uncommon embarrassment; and for the greater part of the sums due to the officers and soldiers of the revolutionary army, Congress was solemnly bound to provide. When requisitions were made upon the states for their respective quotas of these sums, they delayed payment; and at the close of the year 1786, most of them were in arrears for 1784 and 1785, besides the large sum then required. Several of the states also, which passed acts for raising a revenue by impost duties, which were designed to be wholly applied to pay their proportions of the continental debt, afterwards appropriated it to the discharge of their own.

An entirely new constitution was not generally contemplated, at this period; and it was afterwards objected to the system by some, that it was such as the convention were not fully authorised to form. The delegates chosen to attend the convention, were only instructed, in most cases, to give power to Congress for enacting uniform laws, in relation to commerce and navigation; and for applying, to the discharge of the continental debts and expenses, the revenue which would arise from the duties imposed by that body.

During this session, the General Court provided for collecting 160,000*l.* of the public paper, which had been given in payment to the officers of the late army, by a land lottery. This land was situated in the eastern part of Maine; and every ticket entitled the purchaser to a prize; the only difference being in the location and quality of the lot.

CHAPTER XIV.

Mr. Hancock chosen governor . . . Great part of General Court new members . . . Policy not materially changed . . . Insurgents still dangerous in western counties . . . Resident in Vermont . . . Governor authorised to continue troops in the public service . . . Salaries . . . Insurgents pardoned . . . State of the Commonwealth . . . High taxes . . . Federal Constitution . . . Approved in Massachusetts by a small majority . . . Objections to it . . . Arguments for it . . . Amendments . . . Rejoicing on its adoption . . . Subsequent prosperity . . . Amount of claims on the United States . . . Mint . . . Manufactures . . . Slave trade prohibited.

THE elections which took place, in April and May, (1787) of governor, senators and representatives, afforded new proof of the difference of opinion among the citizens, respecting the propriety of measures pursued towards the insurgents. Mr. Hancock was chosen governor by a large majority of votes, and the greater number of senators and representatives were new members. In many towns, indeed, it was openly avowed by the people, that they should select their rulers from those who had been opposed to the decisive measures adopted for suppressing the rebellion. It was said by some, that the burdens of the people were so great, that, if they could not be justified, they might be excused: while others believed, that the firmness and energy manifested by the executive had saved the Commonwealth from anarchy and ruin. This was the opinion of the most judicious

part of the citizens; and yet there was no doubt of the sincerity of some of those who entertained a different opinion. It could not be justly said, that Mr. Hancock had ever apologized for the conduct of the insurgents; but it was a fact, that many of those who favoured his election believed he would be more indulgent to their errors than his predecessor.* But there was a desire of change, in many of the people, who were led to hope, at least, for some legislative relief. A number of the citizens had always been opposed to Mr. Bowdoin, on the supposition, though entirely unfounded, that he had an undue partiality for the British government and nation. That Mr. Bowdoin was a sincere patriot, no one presumed publicly to deny; and that the measures he adopted were necessary to check the spirit of disorder, which prevailed, was admitted by all impartial citizens. Large majorities both of the senate and representatives approved of the course he pursued; and the administration which followed did not, even by implication, censure his policy.

The insurgents were no longer really formidable to the Commonwealth; the leaders having departed from the state, and the great body of those who had been induced to join in opposition to government, being disposed to submit quietly to the civil authority. Those who had left the state, however, were very inveterate in their feelings towards the friends of law and order; especially in the western counties; and they made attempts,

* Hon. S. Adams, however, was chosen president of the senate; and he had been very decided in favour of the measures adopted by governor Bowdoin.

hopeless as was the prospect of success, to strengthen their party, that they might be able, at least, to alarm and annoy such as had been most active in opposing them. They were not able to effect their purposes to a great extent; and it was surprising that they were ever permitted to remain in a neighbouring state, when their criminal plans and projects were known. But they found means to seize two citizens belonging to towns in the northern parts of Hampshire county, and convey them into the state of Vermont. They intended to detain them as hostages; and had the presumption to threaten them with death, if any of those should be executed who had been convicted of rebellion. This was a great outrage upon any civilized government; and the authority of that state did not long connive at it; and the prisoners were permitted to return home.

The intelligence of this affair was received in the capital the last of May; and induced governor Hancock to recommend the employment of the troops then in the service of government, in the counties of Berkshire and Hampshire, after their former engagement should expire, which would be in June. He expressed a decided opinion, that the measure was necessary for the security and peace of the citizens in that section of the Commonwealth. The General Court thereupon voted to raise 800 men, to remain in service for six months, if such a period should be found necessary. An attempt was made by those who viewed the conduct of the insurgents with little abhorrence, to connect with this resolve a general pardon and a repeal of the disqualifying act formerly passed, but without success. After much discussion, however,

it was agreed to extend the clemency of government to all those who had been engaged in the insurrection, with the exception of nine, upon condition of their taking the oath of allegiance within three months. The legislature resolved, likewise, that no further lenity should be extended towards such as might, thereafter, be found in arms against the government of the Commonwealth. The governor was, moreover, requested to obtain permission from the civil authority of any adjoining state, to which the insurgents had escaped, to march the militia within their limits, to arrest or subdue them. And he was accordingly authorised to raise a force to be thus employed.

A proposition was made, during this session, for inquiring into the expediency of reducing the salaries of some of the officers of government; and it was urged, that, in a season of great embarrassment, while taxes pressed heavily upon the people, such a measure would be just and proper. The compensation of the chief magistrate was particularly mentioned; and while the subject was before the house, in this incipient stage, the governor proposed to give up one third of his salary for the current year; but expressly stated, that he hoped it would not be urged as a precedent on any future occasion, and intimated that it was not a greater sum than was necessary to the dignity and expenses of the office. But though this part of the salary of the chief magistrate was relinquished for the year only, it was found difficult afterwards to obtain the consent of the General Court to raise it to the former amount. Mr. Hancock, while in the chair, and in the course of the year following, intimated an expectation of receiv-

ing the sum originally established ; but the legislature made no provision for it, and passed a special law to repeal the original act on the subject.

It was proposed also by some members of the house, that there should be an emission of paper money, and that the General Court should sit in some town in the interior of the country. But neither of these motions obtained ; and for the former measure there was only one third of the members present. The tender act was continued, which afforded relief, especially to the people in the interior of the state, who found it difficult to pay their debts in specie. The creditor often suffered by the operation of this law, as he was obliged to receive articles, which he did not need, and of which he could not dispose, without a loss. But the scarcity of specie and the embarrassments of the people were believed to justify the act.

In June, the persons under sentence of death for treason were again reprieved to the month of August : and again to September, when four of them received a full pardon ; one was ordered to be confined to hard labour as a commutation of his former sentence, and the others escaped from prison and left the state. Two of the most active and criminal of the insurgents, who fled for safety to an adjoining state, and even to Canada, when their adherents were dispersed by general Lincoln, afterwards became sensible of their crimes, and earnestly prayed for liberty to return ; but the request was not granted. In August, a part of the troops raised in June were discharged ; and, in September, the tranquil situation of the Commonwealth justified the disbanding of the residue.

The friends of good government and of constitutional liberty rejoiced, that a dangerous insurrection, which at one period threatened the welfare of the whole Commonwealth, was so soon suppressed, and that so little expense and bloodshed had attended the decisive measures of the executive. Although there was cause for alarm, at a particular time, when the insurgents found many apologists for their opposition to the authority of the state, the citizens generally derived great satisfaction in reflecting upon the firmness and wisdom of the legislature, and the success which attended the plans of the governor. It was also a flattering eulogy upon the measures of administration, that the great body of the people approved of the course pursued for suppressing the rebellion, when they had time for correct information; and that most of the insurgents themselves regretted the part they had taken in the affair, and begged to share in the favour of government. The event was deeply and justly regretted, as a stain upon the character of the people of the state; but it afforded an opportunity to show the strength of a republican government: and the union of firmness with clemency in the rulers, served to attach the citizens more strongly to the constitution, and to convince them of the necessity of a supreme civil authority in the Commonwealth.

The efforts which had been made by many of the citizens for promoting a spirit of industry and economy, were not without effect; and the opinion prevailed of the importance of encouraging various manufactures in the country. But a great change, so as to check a taste for foreign superfluities, and to make frugality both fashionable and practicable

could be only gradually introduced. Commercial enterprises, however, increased, although attended with great embarrassments, which gave employment to many of the people; and products of the Commonwealth were exported in greater quantities, instead of specie. The legislature was desirous of adopting some effectual means for restoring and supporting public credit; but so great were the demands against the Commonwealth, and such the inability of the people to pay the taxes assessed, with punctuality, that the paper of government was much below the par value,* and those who were obliged to dispose of it made great sacrifices of property. It was not until the adoption of the federal constitution, and the decisive measures pursued by the general government for the payment of continental debts, that the public paper rose to the value which it nominally bore. A great part of the taxes assessed at this period, and for several preceding years, by the respective states, was for discharging debts contracted by promises and resolves of Congress, but which were apportioned among the states according to their different population and property.

The General Court met again in October, as had been usual for many years; and continued in session until the last of November. The governor informed the two houses, that an additional tax would be necessary, and advised that those which had been long due should be speedily collected. Several taxes were then, in great part, unpaid, and

* The consolidated notes, as they were called, and the army notes were sold, at this time, for about one sixth part in specie.

the government was frequently obliged to borrow, for the purpose of discharging those debts which could not be postponed;* and the taxes assessed, as well as the revenue arising from impost and excise, pledged for payment. The legislature directed, that executions be issued against those collectors who were delinquents for the years 1784 and 1785, and that a further time be given for collecting the two last taxes. It may appear singular, that a new tax should be ordered, when former ones were still due, and even further delay permitted for collection; but in some towns the taxes were more promptly paid; and some relief was also given to public creditors, by this measure, as the treasurer was allowed to issue orders upon the collectors in various parts of the state, by which both they and the public creditors received a present accommodation. Some idea of the heavy load of taxes, which pressed upon the people at this period, may be formed, not only from the fact, that several had been sent out through the state, and remained uncollected from a real inability, in many cases, to discharge them; but by considering that the sum of 300,000 dollars was necessary to pay the interest merely of the debt of the Commonwealth. Army notes to a large amount were also now due; and some had been due for one and two years, without renewal. The whole dependence, however, was not on the direct tax, but a considerable revenue was also raised by the excise and by imposts.

* So urgent were the demands on the treasurer, that 20,000 dollars were applied to the immediate wants of government arising from the impost, though it had been expressly engaged to pay off army notes and interest on the public debt.

That no financial system more efficient was adopted this year, was probably to be attributed to the hope of a new organization of the general government, which would be vested with power to regulate foreign commerce; by which the trade of the country would be placed in a more prosperous state, and the revenue arising from it, being much increased, would be at the disposal of that government for the payment of the continental debts.

At this session of the legislature, the governor communicated the federal constitution proposed by the convention, then recently held at Philadelphia, by delegates from each of the states. This constitution, designed to give more power to the legislature and government of the United States, than was granted by the articles of confederation, and which it was believed the prosperity and welfare of the country required, was prepared and laid before Congress, in September, (1787) with a request that it be forwarded to the legislatures of the several states.

The governor spoke of it as the result of great deliberation, and of a spirit of conciliation in some of the wisest and most patriotic citizens of the nation;* and suggested the necessity of calling a convention to whom it must be submitted. There was some opposition even to the examination of the instrument, with a view to its adoption. But the objection to a convention was overruled by a large majority in the General Court; and it was

* General Washington, Dr. Franklin, Madison, and Hamilton were among the number. The delegates from Massachusetts were judge Dana. Mr. Gerry, Mr. Gorham, Mr. Story and Mr. King.

Strong

provided that the towns should be notified to elect delegates, in the same manner representatives were chosen, who should meet in January following, and determine on the expediency of adopting it.

The convention met in Boston, January 1788, and consisted of 360 members; most of the towns having sent the full number, to which they were entitled by their population. His excellency governor Hancock was chosen president, and the honourable William Cushing, chief justice of the state, vice-president. A great portion of the convention had strong prejudices against the constitution. If a vote had been taken, soon after they assembled, it would probably have been against it. After a discussion of several weeks, and some converts were made by the able arguments and eloquent appeals of its more decided advocates, there was only a majority of nineteen, in that large assembly, for its adoption.

It was acknowledged by those who were most desirous of adopting it, that some parts of it were liable to objections. But the opposition of many, who were prepared to reject it, was evidently founded in prejudice or mistake. When the constitution was first published, it was represented as giving too much power to the general or national government, which would be established; and as lessening or interfering with the authority of the individual states, to such an extent as to leave them with scarcely the name of sovereignty. It was conceded, that a federal government was requisite for some general objects, and for regulating commerce and the intercourse with foreign nations. But it was feared, that the authority vested in a general legislature, as proposed in the constitution

would produce a concentration of all political power in that body, and reduce the states to merely municipal corporations. The small number of representatives* in Congress and the privilege of the slave-holding states, to choose a greater number, than they would be entitled to, if only the free inhabitants were considered; were also believed to be great defects in the constitution. It was further objected, that the elections were not annual. This was a popular objection, as the elections in Massachusetts had always been for a year only. At the same time, it was admitted that the country was suffering by the imbecility of the confederation, and that greater power must be vested in the general government, in order to promote the welfare and prosperity of the nation. Some also objected, that the general convention had exceeded the powers given them, which were confined to an alteration of the articles of confederation: and yet they admitted, that without a total change of that system, so as that Congress should have full authority to require obedience to its laws, it would not afford a remedy for the evils to which the country was then subjected.† But in addition to some real defects in the constitution, or to objections existing in the minds of some honest men, who yet did not weigh as they ought the evils which would follow from a rejection of it, the prejudices of the less enlightened part of the people, in which

* The number of 40,000 inhabitants to a representative was reported, and once voted in the general convention, which prepared the constitution; but Washington proposed 30,000, and it was adopted

† See Mr. Gerry's letter in the Appendix, No. 4.

may be included several of the delegates to the state convention, were excited by the sophistry or misrepresentations of a few men, who wrote against the instrument, and represented it as an abridgment of the liberties of the people, and little better than monarchy in disguise.

The friends of the proposed constitution believed it to be wisely framed, consistent with the liberties of the people, and calculated to secure the welfare and happiness of the country. They considered it the best system which could be formed by the citizens of such an extensive territory, so as to meet the approbation of all; and the only one in all probability, which would be accepted. They were confident the freedom and interests of the people would not suffer by elections for the period provided; but, on the contrary, that the nature of the government and the extent of the country required such elections. They contended that the power given to Congress was no more extensive than was necessary to accomplish the great national purposes, which all were desirous the general legislature should be authorised to accomplish, for the honour and welfare of the United States; and they argued, that there would not be the interference between the national and state governments, as many apprehended. They insisted, that the confederation was totally incompetent to all national purposes; and that general bankruptcy and anarchy must ensue on the rejection of the new constitution. They were satisfied, no other system could be formed, with so few defects; and they feared no further attempt would be made for a national or united government; the consequence of which would be frequent and violent collisions be-

tween the several states. The constitution expressly recognized the people as the fountain of power, whose liberty and prosperity it was intended to secure and promote; the election of their legislators and rulers was still with them; and whatever was not delegated to the general government was reserved to the people and to the states respectively.

Those who were originally opposed to the constitution, were not easily prevailed to accept it, nor would they acknowledge their objections were removed. It is probable they feared, that great abuses of power, or great abridgment of their liberty would be the consequence of a national government with such extensive authority; and that they did not realize the evils which would result from its rejection. Many were disappointed, however, when the opponents of the constitution finally voted against it, after the conciliatory proposition of amendments connected with it, which went to remove the objections they made to the instrument. But, happy for Massachusetts, and for the United States, a majority of votes was obtained for it; which probably decided the opinion of some other states in its favour, which had not then acted upon the subject, and in which a great portion of the people were ready to object. Many of those who gave their vote against the constitution might have been as honest as those who advocated it; but it is impossible to admit, that they had as great wisdom and foresight. There were only *nineteen* votes more for than against the constitution. The result was 187 for, and 168 against it. Those who opposed it in the convention, with much candour and patriotism, declared their

determination to support it, as it had been approved and adopted by the majority. Those who were decided and active in its favour, and by whose influence it was accepted, ranked among the most distinguished patriots of the state.* They were persuaded of the necessity of a general government, with much more extensive power than Congress then possessed; and knowing the distresses and complaints of the people, and the difficulty of forming a federal system which would be universally approved, they concluded, that if the one then presented were rejected, there would be no hope of a substitute; and that anarchy must ensue. Perhaps, at no time after the struggle for independence, had the country been in so great danger; and to no men was it more indebted for preservation from ruin, and for security of the blessings of good government, than to those who procured the acceptance of the federal constitution in Massachusetts.

No objection to the constitution was more powerful than that arising from a tendency to a consolidation of the states. "This," said Mr. Ames, "was an effect, which all good men would deprecate. The state governments," he said, "were essential parts of the system. The senators represented the sovereignty of the states; in the other house, the whole people were represented.

* These were Bowdoin, Dana, Strong, Cabot, Parsons, Gorham, Ames, Dawes, Brooks, Sedgwick, Gore, King, J. C. Jones, Jarvis, &c. Great support was also given to the constitution by governor Hancock, and Hon. S. Adams, though they did not entirely approve of every article. The former proposed amendments, and the other supported them; without which the constitution would probably have been rejected.

If the senators were chosen by the people, as the representatives were, a consolidation of the state governments would ensue; which, it is conceded, would subvert the new constitution. Too much provision cannot be made against consolidation. The state governments are the safeguards and ornament of the federal constitution—they will protract the period of our liberties; they will afford a shelter against the abuse of power, and will be the natural avengers of our violated rights.” Although extensive power was vested in the general government, of which the constitution was to be the foundation, and although it was purposely designed to give authority to a federal legislature, for the welfare of the United States, that the new constitution had been formed, still it was believed by *all*, that no power was to be claimed by the national government except such as was expressly given; and that all besides was reserved to the individual states and to the people. Had it been supposed, that authority would be exercised, founded only upon construction or inference, it is probable the constitution would not have been adopted by a majority of the states.

Several of the amendments to the constitution, proposed by the convention in Massachusetts, were afterwards approved by three-fourths of the states, and accordingly became a part of the federal compact. One of these was, “that the powers not delegated to the United States, nor prohibited by it to the states, are reserved to the states respectively, or to the people.” Another, that a state should not be liable to a suit from a citizen of another state, or from a foreign citizen.

Virginia and New York proposed, that another general convention should be called to act upon the amendments proposed by the several states; and the governors of those states were requested to communicate the same to Massachusetts, for its concurrence in such a measure. When governor Hancock laid those propositions before the legislature, he expressed an opinion of the inexpediency of the plan; and stated, that the proper course to pursue would be to urge it upon Congress to submit the proposed amendments to the legislatures of the several states for their approbation. The majority of the General Court approved of the governor's views on the subject. In his message he spoke of the federal constitution as necessary to render the United States really *independent*, and to promote the prosperity of the country.

The acceptance of the federal constitution, by the convention in Massachusetts afforded much satisfaction to its advocates in other states; and particularly in those, which had not then come to a decision on the subject.* The citizens of Boston expressed great joy on the occasion, which was manifested by a numerous procession, composed of all classes and trades, with their respective and appropriate badges, more extensive and imposing than had ever been witnessed in that ancient town. The mechanics had suffered for want of employment, on account of the embarrassments on commerce, and the great importation of articles of foreign manufacture. They believed that domestic manufactures would be encouraged, and that

* General Washington expressed great satisfaction, when he learned that Massachusetts had adopted it.

navigation would increase and furnish profitable occupation to a large portion of the people. They were not disappointed in these expectations. It was among the first acts of Congress, after the federal constitution was adopted, to regulate the commercial intercourse of all the states with foreign places, and to secure greater privileges to the country than it had before enjoyed. An uniform system of revenue was formed, by laying duties on all importations into the United States. The debts of the several states, incurred for the defence of the whole during the war, were assumed by Congress; in consequence of which those states which had expended more than their proportion would be benefited; one of which was Massachusetts, as had been before believed to be the fact. The continental debt was also funded, and the faith of Congress pledged for payment, of which the prospect of an increasing revenue authorized the fulfilment. The public paper, thereupon, gradually arose in value; and the creditors of the nation were eventually fully satisfied. This prosperous condition of the country gave a new impulse to business, and all classes of people found sufficient employment. The credit of the state revived, also, as a great part of its debt was to be provided for by Congress; and the legislature discovered a disposition to pay the creditors of the Commonwealth such part of their demands as was practicable, and to adopt a system by which funds would be secured to discharge the residue with the interest at stated periods. The state debt, however, was large; and for some time, the taxes, including those of former years which had long been accumulating, bore heavily on the citizens and called

for great efforts and sacrifices. The tax ordered for this year (1788) was 220,000 dollars; and a great part of those for 1785, 1786 and 1787, remained to be paid by many towns.*

Congress appointed an agent to examine the accounts which Massachusetts had prepared against the United States, for expenses incurred by the Commonwealth for the general welfare, and which were not considered exclusively as the debt of the state. These, indeed, gave a great sum; as the defence of the state was not allowed to be carried to the national account. Of the former claims, two millions and an half of dollars, of specie value, were admitted, without hesitation or objection: and also eight millions of the old currency, which had greatly depreciated. Besides these sums, other accounts were offered of six millions, which were not then allowed, as the instructions of the agent did not authorize it; and which were, therefore, referred to a future settlement.† But the greater part of it was afterwards admitted.

In the course of this year, a quantity of copper was issued from the mint, which had been established by order of the legislature in 1786. It was also proposed to have silver coined; but Congress advised against the measure, upon the belief, that coining money was the prerogative of the United States collectively considered, and that uniformity would be for the greater convenience of the people in all parts of the union. Only a small

* The amount of arrears of former taxes was about a million of dollars.

† Hon. Nathan Dane, then a member of Congress, was very attentive to the claims of Massachusetts, and rendered great service to the state.

amount was coined ; and the next year, on the establishment of the federal government, the mint in Massachusetts was discontinued.

The legislature discovered a disposition in favour of manufactures ; and governor Hancock, as his predecessor had done a year before, recommended, that public encouragement be given to such as promised to be useful, and for which the state afforded materials. A duck manufactory was established in Boston, and a cotton manufactory in Beverly ; both of which received pecuniary aid from the General Court, the former in the way of bounty upon the duck manufactured, and the other by a grant of eastern lands. But these establishments were very limited in their effects, and did not long continue in operation. The manufacture of pot and pearl ashes increased to a great extent in the interior of the state, and supplied those who traded to England with a valuable article of exportation. There were two hundred and forty establishments of this kind in the state, at this period. Nails were also manufactured, in some towns, in large quantities. The state was much benefited by this employment : for the demand was great for the article, and it saved the specie to the country, which would otherwise have been sent abroad in exchange for it.

A law was passed in the month of March 1788, forbidding all the citizens of the state from having any concern in the slave trade. Massachusetts had, indeed, always condemned the practice as unchristian, and inconsistent with the common rights of humanity. It had, also, before this period, abolished the odious custom of slavery through the state. If any of the citizens had been concerned

in such inhuman traffic, it was unknown to the civil authority and to the public. The occasion of the law, at this particular time, was the seizing of three people of colour by the captain of a vessel in Boston, and taking them by force to the West Indies, with an intention to make sale of them. The person engaged, in thus forcibly taking or detaining any negro, for the purpose of transportation as a slave, was subject to a heavy penalty; the owners of the vessels were made liable in a large sum; the insurance was to be void; and the relations of the persons kidnapped, if these were sold in a distant country, were allowed to prosecute for the crime.

CHAPTER XV.

Mr. Hancock governor . . . His popularity . . . Dispute respecting the Captaincy of the Castle and of the salary of the lieutenant governor . . . Representatives to Congress . . . Number and mode of choosing Electors of President and Vice-President . . . Address to the President . . . Two brass field pieces. . . Mr. Hancock governor, May 1789 . . . His speech . . . Law for Public Schools . . . Finances . . . New Counties in Maine . . . Washington's visit . . . Effects of Federal Government.

IN 1788, Mr. Hancock was again elected governor of the Commonwealth by a very general vote, and without much opposition. It was not to be expected, that all would prefer him; and as he had been placed in the chair, the year preceding by the influence of those, who disapproved of the measures adopted by Mr. Bowdoin, there were many in the state who could not give him their cordial support. But his administration for the year past had not been such as to justify the fearful anticipations of his opponents. If he had not the firmness to oppose popular errors, or to act with suitable decision and energy in a time of general dissatisfaction and commotion, such as had prevailed in the time of Mr. Bowdoin, he was not disposed to compromise the dignity of government by any acts of weak indulgence towards the insurgents. Perhaps, no man in the Commonwealth had talents better fitted to maintain the tranquillity of society and the necessary authority of the government, when he took the chair, as successor to Mr

Bowdoin. General Lincoln was chosen lieutenant governor for this year, though there were several others proposed as candidates for the office, at the time of the elections. He possessed the most estimable qualities as a man, and was celebrated as a brave and judicious officer in the war of the revolution. He had also repeatedly been elected to the legislature and to the council board. His decision and prudence in conducting the militia raised by government to suppress the insurrection, had increased the public confidence in his character.

The conduct of the governor, this year, in relation to the captaincy of the castle, by which it was believed he manifested an unfriendly feeling towards general Lincoln, was a subject of public discussion; and, in a portion of the community, of severe censure. By some, indeed, the course he pursued was considered arbitrary and unconstitutional. By his particular recommendation, an establishment had been made by the legislature, for the castle, by which it was provided, that the executive should appoint a captain for that fortress. The lieutenant governor had long held that office; and received for it certain fees and perquisites, which amounted to upwards of a thousand dollars. These, Mr. Cushing, the predecessor of general Lincoln, had *always* received; and no other allowance was made for him by the legislature. General Lincoln received none of these perquisites, and no salary was annexed to the office. In the month of November, of this year, 1788, nearly six months after the election of general Lincoln, as lieutenant governor, the house inquired, why he had not been appointed to the command of the castle, having a reference chiefly

to the subject of compensation, which they believed he ought to receive. The governor sent a message to the General Court, in which he not only claimed the right to fill an office, at such time as he might think proper; but explicitly declared it his opinion, "that he might justly, as chief magistrate, refuse to carry into effect a resolve of the General Court, if he judged it would involve the state in an unnecessary expense;" which he said he supposed would be the case, in having a captain of the castle with so large a compensation as had been then received. It was the doctrine advanced by the governor, rather than the omission of appointing a captain to the castle, which was condemned; though many failed not to charge him with a design also to deprive the lieutenant governor of the stipend, which his predecessor had always received. A committee was appointed by the General Court, at the winter session, to consider what allowance the lieutenant governor should have for his services; and their report gave occasion to an animated debate on the conduct of the governor. The discussion continued several days, in the course of which, resolutions were offered, disapproving of the sentiments of the governor expressed in his message of November; but they were not acceptable to the majority of the house, and were therefore rejected. It was admitted by those who advocated the resolutions, that the governor had a right to decide as to the proper time for making appointments; though even in this, there might be an unjustifiable delay, for which he was responsible to his constituents and to the state; but it was contended, that he could not justly prevent the operation of a law, which the legislature had passed.

The committee reported a thousand dollars, as a compensation to the lieutenant governor; but the house reduced it to five hundred and thirty-three.

A difference of opinion was manifested between the two houses of the General Court, in adopting an answer to the governor's message communicated at the beginning of the session. It was the practice, at that time, for the two houses to unite in the address to the governor, in reply to his public speeches. But on this occasion, the senate and house could not agree in an answer; and the representatives voted to prepare a separate address. The subject of disagreement was, at this session, relative to several questions which came before them; particularly with reference to the payment of the public debt. The senate were decided for some provisions, by which the interest would be punctually paid, and for a larger tax, with this view, than the representatives thought expedient to assess.

There was also a proposal by the senate, for striking out a paragraph in the original draft adopted by the house, in which it was proposed, as the states of Virginia and New York had done, to call a new convention, for the purpose of incorporating the amendments proposed to the constitution, into the instrument, before any general government was organized under it. The senate were opposed to such a measure, as of fatal tendency; and agreed with the governor, in the opinion he expressed in his speech, that all which was proper for the legislature to do, was to present the proposed amendments to the Congress, and to instruct the representatives from the state to that body to use their efforts to have them recommended and adopted.

Until this period, the delegates to Congress had been appointed by the General Court. According to the federal constitution, they were now to be chosen immediately by the people. For the first Congress, Massachusetts was to have only eight representatives. The state was divided into that number of districts, for the purpose of electing one representative in each. This number was determined by the new constitution; but was not perfectly agreeable to the ratio fixed by that instrument, for future years, which was one representative for 30,000 inhabitants. The population of Massachusetts, at that time, entitled her to more than the number above mentioned; but no census had been then lately taken, and the number of inhabitants was not precisely known to the convention.* At the first trial, only four representatives were elected; these were Fisher Ames, George Partridge, George Leonard, and George Thatcher. Afterwards, Elbridge Gerry, Benjamin Goodhue, Jonathan Grout, and Theodore Sedgwick, were chosen. The first board of electors, in Massachusetts, of president and vice president, were William Cushing, William Shepard, William Sever, Walter Spooner, David Sewall, Caleb Davis, Francis Dana, Samuel Henshaw, Samuel Phillips, jr. and Moses Gill.

The mode prescribed by the legislature at this time, for the appointment of electors, was as follows—Two persons were to be voted for in each district, and the General Court to select one of the two who should receive the highest number of votes; and two others were chosen immediate-

*The number was supposed to be 370,000 or 380,000.

ly by the legislature. These met in Boston, on the first Wednesday of February, 1789, and gave in their votes for general WASHINGTON to be president, and Hon. JOHN ADAMS to be vice president, of the United States.

Soon after general Washington was inducted into the office of president of the United States, the legislature of Massachusetts forwarded him the following public address.

“Sir,—Your acceptance of your present exalted and important station, affords universal joy to the people of Massachusetts. They have long felt the most grateful sentiments for your character, and attachment to your person. And they reflect with pleasure on the ardour which your presence inspired in the alarming and novel circumstances of a war within their country and against their civil security, so soon restored by the discipline and success of the army under your command.

“The unanimity of the suffrages of these states in your election, is no less a testimony of your merit, than of the gratitude of this extensive community. They have declared, by investing you with the powers of their president, their confidence in you, from their experience of your wisdom and virtues, and they delight to honour you. For your services, in their estimation, will yet far exceed their rewards.

“The union of the states, by a form of government, intended to secure the blessings of liberty, is rendered more perfect under you, as their chief. All the advantages of that government, of our national independence and civil liberty, may be rationally expected under your administration. From you, we shall receive those examples of public and

private economy, of prudence, fortitude and patriotism, of justice, morality and religion, which, by the aid of divine providence, insure the welfare of a community.

“To express the voice of our constituents, we join in the congratulations of United America, on this great event, and we earnestly implore the protection of Almighty God upon your person and family; that he would afford you his divine aid in the duties of your important station, and would long continue you a blessing to the United States.”

On the application of the governor, Congress ordered two brass field pieces to be restored to Massachusetts, which were a part of the FOUR that composed the whole American field artillery, at the commencement of the revolutionary war. Congress ordered the following inscription to be put upon them; on one—“HANCOCK—sacred to liberty. This is one of four cannon which constituted the whole train of *field* artillery, possessed by the British colonies of North America, at the commencement of the war, on the 19th of April 1775. This cannon and its fellow, belonging to a number of citizens of Boston, were used in many engagements during the war. The other two, the property of the government of Massachusetts, were taken by the enemy.” On the other, the inscription was “ADAMS,” with the same explanation and statement as on the former one.

Mr. Hancock was elected governor again in April 1789; but received greater opposition than in 1788. There was no particular accusation preferred against him for improper measures, during the former political year, except his conduct with regard to general Lincoln, the lieutenant governor;

which, by many, was considered not only unfriendly to that eminent patriot, but arbitrary in itself, and inconsistent with the nature of the government. His most zealous adherents proposed Mr. Samuel Adams for lieutenant governor, instead of general Lincoln; and this circumstance led the friends of the latter to support Mr. Bowdoin for governor, and to oppose Mr. Hancock and Mr. Adams, with more than ordinary warmth. The various publications in the newspapers, relating to the election, contained personal allusions and bitter criminations, unknown on any former occasion. Mr. Adams was elected lieutenant governor for this political year. Many of his former friends were surprised, that he and Mr. Hancock were on the same ticket, as they had differed on some public measures within a few years. But these were not on material points; their general views and opinions were similar; and they had long been associated in the political affairs of the state and the nation.

The governor in his message,* communicated soon after the General Court was organized, having spoken with great approbation of the federal government, from which he said important and permanent benefits might justly be expected, observed—

“But it ought ever to be remembered that no form of government, or mode of administration can make a vicious people happy; and that therefore the public felicity will in a great measure depend upon the practice of the social and private

* Indisposition prevented his attending the legislature in person during this session.

virtues by the people of this extensive republic.— That this Commonwealth, which constitutes an important part of the general government, may increase its own prosperity, while it promotes that of the Union, we must support and encourage the means of learning, and all institutions for the education of the rising generation; an equal degree of intelligence being as necessary to a free government, as laws are for an equal distribution of property.

“Our wise and magnanimous ancestors, impressed with this idea, were very careful and liberal in the establishment of institutions for this purpose; among which, that of our university in Cambridge, and grammar schools in the several towns were believed very important. Every necessary attention will certainly be paid to the former: and I cannot but earnestly recommend to your inquiry, the reason why the latter is so much neglected in the state.* Should any new laws be wanting on this subject, you cannot do your country a more essential service than by providing them.”

A law was passed at this session, requiring all towns with two hundred families, to support a grammar school, agreeably to former usage in the province. Towns with that number and upwards, were ordered to employ for instructors of youth, those who had been educated at some college, and were able to teach the Latin and Greek languages. In towns where the inhabitants were less, it was

* It is a matter of regret with many, that, since the time when governor Hancock gave the above opinion and advice, the provision by law for grammar schools has been, in a great measure, virtually annulled.

required, that such as were qualified to teach the English language correctly, should be engaged in the business of education. Great benefits were derived from this and former laws, containing similar provisions, to the people of Massachusetts. In later periods, the laws of the Commonwealth have only required instruction in the English language; which has not only obliged those who desire a knowledge of the Greek or Latin, to go to distant places in order to acquire them; but has lowered the character and qualifications of instructors; the evils of which are apparent to those who compare the present with past times.

The preamble to this law, "providing for the instruction of youth and the promotion of good education," was as follows—"Whereas the constitution of this Commonwealth hath declared it to be the duty of the General Court to provide for the education of youth; and whereas a general dissemination of knowledge and virtue is necessary to the prosperity of every state, and the very existence of a Commonwealth." The governor had expressed similar sentiments in his speech, at the beginning of the session. From the earliest settlement of the country, the benefits arising from affording the means of information to youth of all classes and conditions were acknowledged; and it was also admitted, that, to such as desired it, the opportunity should be furnished of gaining an acquaintance with ancient literature.

During this session (June 1789,) a committee of finance was appointed to "inquire into the several expenditures, and see if any savings can be made; to inquire into the state of all outstanding taxes and of all debts due to the Commonwealth; into

the state of the revenue arising from impost and excise; and to see what deductions will be consequent, upon the treasury, by the operation of federal laws: and to devise means for increasing the public revenue." A few days after, this committee reported, "that the debt of the state was 1,400 000*l.*, the interest to which the Commonwealth was liable, annually, was somewhat more than 100, 000*l.* This, it was stated, would be reduced by receipts on the sales of the lands in New York 300,000*l.*; by a year's interest, then due on that sum, and by the sale of continental certificates, 90,000*l.*; which had then recently been given by Congress as evidence of claims, to that amount in favour of the Commonwealth, already settled. According to this exhibit, the amount to be provided for was about 1,081,000*l.*; the interest of which was 64,000*l.* To this was to be added 15,000*l.* estimated as necessary for the civil list. It was believed that the excise would give half this sum; and it was recommended, that the other moiety should be raised by a direct tax. And the committee stated, that this amount was less by 10,000*l.* than was assessed upon the province from 1763 to 1770. Several members objected to any direct tax, at this time, on account of the taxes laid in several former years and then required by the General Court to be immediately collected. Some of the representatives appeared to have little concern for the credit of the Commonwealth, and were chiefly anxious for the relief of their constituents, who were still complaining loudly of the public burdens.

The county of Lincoln, which included the easterly part of the district of Maine, a large territory,

extending on the sea-coast, two hundred miles, from the river Kennebec* to St. Croix, the boundary between the United States and the British province of New Brunswick, was divided into three shires. The two new ones formed were called Hancock and Washington. The separation of Maine was again proposed by a convention at Portland, in 1788, which presented a petition to the legislature to further the design. The petition was before the General Court some time, but it was not granted; for it did not appear that the majority of the people were desirous of becoming a distinct state. The dispute still continued, as to the true boundary of the state on the east; and the national government being now formed, the legislature requested the governor to make application to the president of the United States to take measures for ascertaining the line of division, according to the treaty with Great Britain in 1783. The dispute was afterwards amicably settled, under the authority of the federal government.

In the month of October of this year, president Washington made a tour through the northern states; and his reception in Boston, the capital of Massachusetts, both by the citizens of the town and by the supreme executive of the Commonwealth, were such as had never before been given to any individual. All classes of people were represented in the procession, formed to meet and escort him into the town; and the highest officers in the state united in this expression of respect to the truly illustrious character of the nation's civil

* The county of Lincoln included some towns on the west of this river.

and military chief. The people were universally animated with all those sentiments of gratitude and veneration for their distinguished benefactor, which a sense of his eminent virtues and services was calculated to inspire; and manifested their feelings by every suitable demonstration of joy and exultation. The visit of Washington gave great satisfaction to the people; but it was scarcely possible to increase the esteem and admiration in which his character was already held. The lieutenant governor and members of the executive council, the selectmen of Boston and other municipal and state officers, with an immense number of citizens, met the president at the bounds of the town, to bid him welcome, and to accompany him to his place of residence. After his arrival, he received an affectionate and respectful address from the selectmen, in the name and behalf of the inhabitants of Boston; to which he replied, in a style complimentary to the patriotism and virtue of the citizens of that ancient town. The following address was also presented him by the governor and council.

“ We meet you, sir, at this time, with our hearts replete with the warmest affection and esteem, to express the high satisfaction we feel in your visit to the Commonwealth of Massachusetts.

“ We can never forget the *time*, when, in the earliest stage of the war, and the day of *our* greatest calamity, we saw you at the head of the army of the United States, commanding troops, determined, though then undisciplined, by your wisdom and valour, preventing a sanguinary and well appointed army of our enemies, from spreading devastation through our country, and sooner than we

had reason to expect, obliging them to abandon the capital.

“We have since seen you in your high command, superior to the greatest fatigues and hardships, successfully conducting our armies through a long war, until our enemies were compelled to submit to terms of peace; and acknowledged that independence which the United States in Congress assembled, had before asserted and proclaimed.

“We now have the pleasure of seeing you in a still more exalted station, to which you have been elected by the unanimous suffrages of a free, virtuous and grateful country. From that attachment, which you manifestly discovered while in your military command, to the civil liberties of your country, we do assure ourselves, that you will ever retain this great object in your view, and that your administration will be happy and prosperous.

“It is our earnest prayer, that the divine Benediction may attend you here and hereafter; and we do sincerely wish that you may, through this life, continue to enjoy that greatest of earthly blessings, to be accepted by “the multitude of your brethren.”

To which general Washington replied as follows—

“Gentlemen, to communicate the peculiar pleasure which I derive from your affectionate welcome of me to the Commonwealth of Massachusetts, requires a force of expression beyond that which I possess. I am truly grateful for your goodness towards me, and I desire to thank you with the unfeigned sincerity of a feeling heart.

“Your obliging remembrance of my military services, is among the highest compensations they can

receive; and if rectitude of intention may authorize the hope, the favourable anticipation, which you are pleased to express of my civil administration, will not, I trust, be disappointed. It is your happiness, gentlemen, to preside in the councils of a Commonwealth, where the pride of independence is well assimilated with the duties of society; and, where the industry of the citizen gives the fullest assurance of public respect and private prosperity. I have observed too, with singular satisfaction, so becoming an attention to the militia of the state, as presents the fairest prospect of support to the invaluable objects of national prosperity and peace. Long may these blessings be continued to the Commonwealth of Massachusetts! And may you, gentlemen, in your individual capacities, experience every satisfaction, which can result from public honour and private happiness."

In appointing to office under the federal government, general Washington selected those who had been distinguished by their zeal and patriotism during the war of the revolution. And his appointments were bestowed on none but men of integrity and talents, which fully qualified them for the stations in which they were placed. This policy was approved by all impartial men; and yet Mr. Jefferson, who succeeded to the presidency, some years after general Washington declined it, removed some of the revolutionary characters from the offices they held, merely for difference of political opinions, on subjects or measures of minor consideration, which did not implicate their patriotism or their republican principles.

A question was long and warmly agitated in the General Court during this political year, respecting

the eligibility of an officer in the federal government to a seat in the legislature of the state. The judge of a district court, the attorney and marshal of the district, were then members of the legislature of Massachusetts.* A committee was first appointed in the senate, which reported, that the seat of Mr. Jackson, a member of that board, from Essex, in consequence of his receiving and accepting the appointment of marshal of the district, by which he had become an officer of the general government, was vacated: but the report was rejected in the senate, by thirteen votes to eleven.

In the house, the decision was different, on a similar question relating to two of their members; being 137 to 24. The report, however, which gave a full and decided opinion of their ineligibility, like that made in the senate, was not proposed for acceptance; but on the question, substituted for the report, "whether persons holding office under the United States, similar to those declared by the constitution of this Commonwealth incompatible with their holding seats in the legislature thereof, can have a constitutional right to retain their seats in this house?"—after a debate of great length, it was decided in the manner mentioned above.

It was contended, by those in favour of the report, that uniformity and analogy forbid the eligibility of such officers of the federal government to a seat in the legislature, as were similar to those excluded from it, if officers in the state. And that

* David Sewall of Maine, who had been appointed judge of the district court, and Christopher Gore, who had been appointed district attorney, were members of the house; J. Jackson, appointed marshal, was a member of the senate.

there would be an improper and dangerous influence exerted by federal officers, if permitted to be legislators of the Commonwealth. On the other side, it was argued, that the reasons, which rendered it improper for certain public officers of the state to have seats in the legislature, did not hold with regard to officers of the United States; and that, as there was not an express or clear incompatibility in the constitution, they could not be justly excluded. There was a great jealousy of the federal government, at that early period, on the minds of many of the citizens; but, in later years, less fear or hostility towards it have been cherished; and in many instances, men holding office under the general government, have exerted a great influence, in directing the concerns of a single state.

Under the auspicious influence of the federal government, a mutual confidence was strengthened among the citizens of the Commonwealth and of the United States; the common employments and arts of life were encouraged; commercial enterprises increased; the credit of government was restored, by wise and efficient provisions in the finances of the country, the regulation of foreign commerce and the uniform collection of a revenue; and the nation made rapid advances, from a state of embarrassment and imbecility, to wealth, power and respectability.

APPENDIX.

No. I. *Pages, 140, 159.*

A CONSTITUTION and FORM of GOVERNMENT for the State of MASSACHUSETTS BAY, agreed upon by the CONVENTION of said State, February 28th, 1778 ; to be laid before the several towns and plantations in said State, for their approbation or disapprobation.

STATE OF MASSACHUSETTS BAY,

IN CONVENTION, February 28th, 1778.

WHEREAS, upon the declaration of independence, made by the representatives of the UNITED STATES, in Congress assembled, by which all connexions between the said states and Great Britain were dissolved, the General Assembly of this state thought it expedient, that a new constitution of government for this state should be formed ; and, apprehending that they were not invested with sufficient authority to deliberate and determine upon so interesting a subject, did, on the fifth day of May, 1777, for affecting this valuable purpose, pass the following resolve—

“ *Resolved*, That it be, and hereby is recommended to the several towns and places in this state, empowered by the laws thereof, to send members to the General Assembly, that, at their next election of a member or members to represent them, they make choice of men, in whose integrity and ability they can place the greatest confidence ; and, in addition to the common and ordinary powers of representation, instruct them with full powers, in one body with the council, to form such a

constitution of government as they shall judge best calculated to promote the happiness of this state ; and when completed, to cause the same to be printed in all the Boston newspapers, and also in handbills, one of which to be transmitted to the selectmen of each town, or the committee of each plantation, to be by them laid before their respective towns or plantations, at a regular meeting of the inhabitants thereof, to be called for that purpose, in order to its being, by each town and plantation, duly considered, and a return of their approbation or disapprobation to be made into the secretary's office of this state, at a reasonable time, to be fixed upon by the General Court ; specifying the numbers present at such meeting voting for, and those voting against the same ; and, if upon a fair examination of said returns, by the General Court, or such a committee as they shall appoint for that purpose, it shall appear, that the said form of government is approved of by at least two thirds of those who are free, and twenty-one years of age, belonging to this state, and present in the several meetings, then the General Court shall be empowered to establish the same as the constitution and form of government of the state of Massachusetts Bay ; according to which the inhabitants thereof shall be governed in all succeeding generations, unless the same shall be altered by their express direction, or at least of two thirds of them. And it is further recommended to the selectmen of the several towns, in the return of their precepts for the choice of representatives, to signify their having considered this resolve, and their doings thereon :”

And whereas the good people of this state, in pursuance of the said resolution, and reposing special trust and confidence in the council and in their representatives, have appointed, authorized and instructed their representatives, in one body with the council, to form such a constitution of government as they shall judge best calculated to promote the happiness of this state, and when completed, to cause the same to be published for their inspection and consideration :

We, therefore, the council and representatives of the people of the state of Massachusetts Bay, in convention assembled, by virtue of the power delegated to us, and acknowledging our dependence upon the all wise Governor of the universe for direction, do agree upon the following form of a constitution of government for this state, to be sent out to the people, that they may act thereon, agreeably to the aforesaid resolve.

I. There shall be convened, held and kept, a General Court, upon the last Wednesday in the month of May of every year, and as many other times as the said General Court shall order and appoint: which General Court shall consist of a Senate and House of Representatives, to be elected as this constitution hereafter directs.

II. There shall be elected annually a governor and lieutenant governor, who shall each have, by virtue of such election, a seat and voice in the senate; and the style and title of the governor shall be His Excellency; and the style and title of the lieutenant governor shall be His Honour.

III. No person shall be considered as qualified to serve as governor, lieutenant governor, senator or representative, unless qualified respectively at the time of their several elections as follows, viz: The governor and lieutenant governor shall have been inhabitants of this state five years immediately preceding the time of their respective election; the governor shall be possessed, in his own right, of an estate of the value of one thousand pounds, whereof five hundred pounds value, at the least, shall be in real estate, within this state; the lieutenant governor shall be possessed, in his own right, of an estate of the value of five hundred pounds, two hundred and fifty pounds thereof, at the least, to be in real estate, within this state: a senator shall be possessed, in his own right, of an estate to the value of four hundred pounds, two hundred pounds thereof, at the least, to be in real estate, lying in the district for which he shall be elected. A representative shall be possessed in his own right, of an estate to the value of two hundred pounds, one hundred pounds thereof, at

the least, to be in real estate lying in the town for which he shall be elected. Senators and representatives shall have been inhabitants of districts and towns for which they shall be respectively elected, one full year immediately preceding such election; provided, that when two or more towns join in the choice of a representative, they may choose an inhabitant of either of said towns, being otherwise qualified as this article directs.

IV. The judges of the superior court, secretary, treasurer-general, commissary-general, and settled ministers of the gospel, while in office; also all military officers, while in the pay of this or of the United States, shall be considered as disqualified for holding a seat in the General Court; and the judges and registers of probate, for holding a seat in the senate.

V. Every male inhabitant of any town in this state, being free and twenty-one years of age, excepting negroes, Indians, and mulattoes, shall be entitled to vote for a representative or representatives, as the case may be, in the town where he is resident; provided he has paid taxes in said town (unless by law excused from taxes) and been resident therein one full year, immediately preceding such voting, or that such town has been his known and usual place of abode for that time, or that he is considered as an inhabitant thereof: and every such inhabitant qualified as above, and worth sixty pounds clear of all charges thereon, shall be entitled to put in his vote for governor, lieutenant governor and senators: and all such voting for governor, lieutenant governor, senators or representatives shall be by ballot, and not otherwise.

VI. Every incorporated town within this state shall be entitled to send one representative to the General Court: any town having three hundred voters may send two; having five hundred and twenty voters may send three; having seven hundred and sixty may send four; and so on, making the increasing number necessary for another member, twenty more than the last immediately preceding increasing number, till

the whole number of voters in any town are reckoned. And each town shall pay the expense of its own representative or representatives; and the inhabitants of any two or more towns, who do not incline to send a representative for each town, may join in the choice of one, if they shall so agree.

VII. The selectmen of each town shall some time in the month of April, annually, issue their warrant or warrants, under their hands and seals, directed to some constable or constables, within their towns, respectively, requiring him or them to notify the inhabitants qualified to vote for a representative, to assemble in some convenient place in such town, for the choice of some person or persons, as the case may be, to represent them in the General Court the ensuing year: the time and place of meeting to be mentioned in the warrant or warrants for calling such meeting. And the selectmen of each town respectively, or the major part of them, shall make return of the name or names of the person or persons elected by the major part of the voters present, and voting in such meeting, to represent said town in the General Court the ensuing year, into the secretary's office, on or before the last Wednesday of May then next ensuing: and when two or more towns shall agree to join for such choice, the major part of the selectmen of those towns shall, in the manner above directed, warn a meeting to be held in either of the said towns, as they shall judge most convenient, for that purpose, and shall make return as aforesaid, of the person chosen at such meeting.

VIII. The number of senators shall be *twenty-eight* (exclusive of the governor and lieutenant governor) their election shall be annual, and from certain districts, into which the state shall be divided, as follows, viz.: The middle district to contain the counties of Suffolk, Essex and Middlesex, within which ten senators shall be elected: the southern district to contain the counties of Plymouth, Barnstable, Bristol, Dukes county and Nantucket, within which six senators shall be elected: the western district to contain the counties of Hampshire,

Worcester and Berkshire, within which eight senators shall be elected: the northern district to contain the counties of York and Cumberland, within which three shall be elected: the eastern district to contain the county of Lincoln, within which one shall be elected. And as the numbers of inhabitants in the several districts may vary, from time to time, the General Court shall, in the way they shall judge best, some time in the year one thousand seven hundred and ninety, and once in twenty years ever after, order the number of the inhabitants of the several districts to be taken, that the senators may be apportioned anew to the several districts, according to the numbers of the inhabitants therein. And the General Court may, at such new appointment, increase the number of senators to be chosen as they may see fit; provided that the whole number shall never exceed thirty-six, exclusive of the governor and lieutenant governor.

IX. The inhabitants of the several towns in this state, qualified as this constitution directs, shall, on the first Wednesday in the month of November, annually, give in their votes in their respective towns, at a meeting which the selectmen shall call for that purpose, for senators for the year ensuing the last Wednesday in May then next. The votes shall be given in for the members of each district separately, according to the foregoing apportionment, or such as shall be hereafter ordered; and the selectmen and town clerk of each town shall sort and count the votes, and, by the third Wednesday in December then next, transmit to the secretary's office, a list certified by the town clerk of all the persons who had votes as senators for each district at such meeting, and the number each person had, affixed to his name. The lists, so sent in, shall be examined by the General Court at their then next sitting, and a list for each district of those voted for, to the amount of double the number assigned such district (if so many shall have votes) taking those who had the highest numbers, shall be made out and sent by the first of March, then next after, to the several towns of this state, as a nomi-

nation list, from which said towns shall, at their meetings for the choice of governor in the month of May, vote for the senators assigned the respective districts; which votes shall be counted and sorted and lists certified as before directed, made out and sent in to the secretary's office, by ten o'clock in the forenoon of the last Wednesday in said May, and not afterwards; which lists shall be examined by the house of representatives for the first time of the election of senators, and ever afterwards by the senate and house of representatives on said last Wednesday of May, or as soon after as may be; and those persons in each district, equal to the number assigned such district, who have the greatest number of votes, shall be senators for the ensuing year, unless it shall appear to the senate that any member or members thereof were unduly elected or not legally qualified; of which the senate shall be the judges. And the senate, when so constituted, shall continue in being till another senate is chosen, and the members thereof gone through all the steps necessary to qualify them to enter on the business assigned them by this constitution.

X. There shall forever hereafter, on the first Wednesday in the month of May annually, be held, in each town in this state, a meeting of the inhabitants of such towns respectively, to give or put in their votes for governor, lieutenant governor and senators; which meeting the selectmen shall cause to be notified in the manner before directed for the meeting for the choice of representatives: and the town clerk shall return into the secretary's office by ten o'clock in the morning of the last Wednesday of said May, and not afterwards, an attested copy of all the persons who had votes for governor and lieutenant governor respectively, certifying the number of votes each person so voted for had; which lists shall be, on said last Wednesday of May, or as soon after as may be, examined by the senate and house of representatives; and the persons, who, on such examination, shall appear to have the greatest number of votes for those offices respectively, provided it be a majority of the whole number, shall

be by the two houses declared governor and lieutenant governor, and entitled to act as such the ensuing year: and if no person shall have such majority for governor and for lieutenant governor, the senate and house of representatives shall, as soon as may be, after examining said lists, proceed by joint ballot to elect a governor or lieutenant governor, or both, as the case may require, confining themselves to one of those three who had the greatest number of votes collected in the several towns for the office to be filled.

XI. If any person chosen governor, lieutenant governor, senator or representative, whose qualifications shall be questioned by any one member of the senate or house of representatives, within twenty-four days after his appearing to enter upon the execution of his office, shall not make oath before a senator, the speaker of the house of representatives, or some justice of the peace, that he is qualified as required by this constitution, and lodge a certificate thereof in the secretary's office, within ten days after notice given him of such questioning by the secretary, whose duty it shall be to give such notice, his election shall be void; and any person claiming privilege of voting for governor, lieutenant governor, senators or representatives, and whose qualifications shall be questioned in town meeting, shall by the selectmen be prevented from voting, unless he shall make oath that he is qualified as this constitution requires; said oath to be administered by a justice of the peace, or the town clerk, who is hereby empowered to administer the same, when no justice is present.

XII. Whenever any person who may be chosen a member of the senate shall decline the office to which he is elected, or shall resign his place, or die, or remove out of the state, or be any way disqualified, the house of representatives may, if they see fit, by ballot, fill up any vacancy occasioned thereby, confining themselves in the choice to the nomination list for the district to which such member belonged whose place is to be supplied, if a sufficient number is thereon for the pur-

pose ; otherwise the choice may be made at large in said district.

XIII. The General Court shall be the supreme legislative authority of this state, and shall accordingly have full power and authority to erect and constitute judicatories and courts of record, or other courts ; and, from time to time, to make and establish all manner of wholesome and reasonable orders, laws and statutes ; and also for the necessary support and defence of this government, they shall have full power and authority to levy proportionable and reasonable assessments, rates and taxes ; and to do all and every thing they shall judge to be for the good and welfare of the state, and for the government and ordering thereof ; provided nevertheless, they shall not have any power to add to, alter, abolish, or infringe any part of this constitution. And the enacting style in making laws shall be “by the senate and house of representatives in General Court assembled, and by the authority of the same.”

XIV. The senate and house of representatives shall be two separate and distinct bodies, each to appoint its own officers, and settle its own rules of proceedings ; and each shall have an equal right to originate or reject any bill, resolve or order, or to propose amendments to the same, excepting bills and resolves levying and granting money or other property of the state, which shall originate in the house of representatives only, and be concurred or nonconcurred in whole by the senate.

XV. Not less than sixty members shall constitute or make a quorum of the house of representatives ; and not less than nine shall make a quorum of the senate.

XVI. The senate and house of representatives shall have power to adjourn themselves respectively ; provided such adjournment shall not exceed two days at any one time.

XVII. The governor shall be president of the senate. He shall be general and commander in chief of the militia, and admiral of the navy of this state ; and empowered to embody the militia, and cause them to be marched to any part of the

state, for the public safety, when he shall think necessary ; and in the recess of the General Court, to march the militia, by advice of the senate, out of the state, for the defence of this, or any other of the United States ; provided always, that the governor shall exercise the power, given him by this constitution, over the militia and navy of the state, according to the laws thereof, or the resolves of the General Court. He shall, with the advice of the senate, in the recess of the General Court, have power to prorogue the same from time to time, not exceeding forty days in any one recess of said court : and in the sitting of said court, to adjourn or prorogue the said court to any time they shall desire, or to dissolve the same at their request, or to call said court together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same. He shall have power, at his discretion, to grant reprieves to condemned criminals for a term or terms of time, not exceeding six months. It shall be the duty of the governor to inform the legislature at every session of the General Court, of the condition of the state ; and, from time to time, to recommend such matters to their consideration, as shall appear to him to concern its good government, welfare and prosperity.

XVIII. Whenever the person who may be chosen governor shall decline the trust, to which he is thereby elected, or shall resign or die, or remove out of the state, or be otherwise disqualified, the lieutenant governor shall have the like power during the vacancy in the office of governor, as the governor is by this constitution vested with ; and in case of a vacancy in the office of governor and lieutenant governor, the major part of the senate shall have authority to exercise all the powers of a governor during such vacancy ; and in case both the governor and the lieutenant governor be absent from the senate, the senior or first senator then present shall preside.

XIX. All civil officers annually chosen, with salaries annually granted for their services, shall be appointed by the Ge-

neral Court, by ballot; each branch to have a right to originate or negative the choice. All other civil officers, and also all general, field and staff officers, both of the militia and of the troops which may be raised by and be in the pay of this state, shall be appointed by the governor and senate: captains and subalterns of troops raised by and in the pay of the state to be also appointed by the governor and senate.

XX. The governor and senate shall be a court for the trial of all impeachments of any officers of this state, provided that if any impeachment shall be prosecuted against the governor, lieutenant governor, or any one of the senate; in such case, the person impeached shall not continue one of the court for that trial. Previous to the trial of any impeachment, the members of the court shall be respectively sworn, truly and impartially to try and determine the charge in question, according to evidence; which oath shall be administered to the members by the president, and to him by any one of the senate. And no judgment of said court shall be valid, unless it be assented to by two-thirds of the members of said court present at such trial; nor shall judgment extend further than to removal of the person tried from office and disqualification to hold or enjoy any place of honour, trust or profit under the state: the party so convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to the laws of the state: and the power of impeaching all officers of the state for mal-conduct in their respective offices shall be vested in the house of representatives.

XXI. The governor may, with the advice of the senate, in the recess of the General Court, lay an embargo, or prohibit the exportation of any commodity for any term of time, not exceeding forty days in any one recess of said court.

XXII. The governor shall have no negative, as governor, in any matter pointed out by this constitution to be done by the governor and senate, but shall have an equal voice with any senator on any question before them: provided that the governor, or in his absence out of the state, the lieutenant go-

vernor, shall be present in senate to enable them to proceed on the business assigned them by this constitution, as governor and senate.

XXIII. The power of granting pardons shall be vested in the governor, lieutenant governor and speaker of the house of representatives, for the time being, or in either two of them.

XXIV. The justices of the superior court, the justices of the inferior courts of common pleas, judges of probate of wills, judges of the maritime courts, and justices of the peace, shall hold their respective places during good behaviour.

XXV. The secretary, treasurer-general and commissary-general shall be appointed annually.

XXVI. The attorney-general, sheriffs, registers of the courts of probate, coroners, notaries public and naval officers shall be appointed and hold their offices during pleasure.

XXVII. The justices of the superior court, justices of the inferior courts, courts of the general sessions of the peace and judges of the maritime courts, shall appoint their respective clerks.

XXVIII. The delegates for this state to the continental Congress shall be chosen annually by joint ballot of the senate and house of representatives, and may be superseded, in the mean time, in the same manner. If any person holding the office of governor, lieutenant governor, senator, judge of the superior court, secretary, attorney-general, treasurer-general, or commissary-general, shall be chosen a member of Congress and accept the trust, the place which he so held as aforesaid, shall be considered as vacated thereby, and some other person chosen to succeed him therein. And if any person, serving for this state at said Congress, shall be appointed to either of the aforesaid offices, and accept thereof, he shall be considered as resigning his seat in Congress, and some other person shall be chosen in his stead.

XXIX. No person unless of the protestant religion shall be governor, lieutenant governor, a member of the senate or of

the house of representatives or hold any judiciary employment within this state.

XXX. All commissions shall run in the name of the state of Massachusetts Bay, bear test and be signed by the governor or commander in chief of the state, for the time being, and have the seal of the state thereunto affixed, and be attested by the secretary or his deputy.

XXXI. All writs issuing out of the clerk's office of any of the courts of law within this state, shall be in the name of the state of Massachusetts Bay, under the seal of the court from which they issue, bear test of the chief justice, or senior or first justice of the court where such writ is returnable, and be signed by the clerk of such court. Indictments shall conclude "against the peace and dignity of the state."

XXXII. All the statute laws of this state, the common law, and all such parts of the English and British statute laws, as have been adopted and usually practised in the courts of law in this state, shall still remain and be in full force until altered or repealed by a future law or laws of the legislature; and shall be accordingly observed and obeyed by the people of this state; such parts only excepted as are repugnant to the rights and privileges contained in this constitution: and all parts of such laws as refer to and mention the council shall be construed to extend to the senate. And the inestimable right of trial by jury shall remain confirmed as part of this constitution forever.

XXXIII. All monies shall be issued out of the treasury of this state and disposed of by warrants under the hand of the governor for the time being, with the advice and consent of the senate, for the necessary defence and support of the government, and the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the General Court.

XXXIV. The free exercise and enjoyment of religious profession and worship shall forever be allowed to every denomination of protestants within this state.

XXXV. The following oath shall be taken by every person appointed to any office in this state, before his entering on the execution of his office ; viz. *I, A. B. do swear (or affirm, as the case may be) that I will bear faith and true allegiance to the state of Massachusetts ; and that I will faithfully execute the business of the office of _____ agreeably to the laws of this state, according to my best skill and judgment, without fear, favour, affection or partiality.*

XXXVI. And whereas it may not be practicable to conform to this constitution in the election of governor, lieutenant governor, senators and representatives for the first year ; therefore,

The present convention, if in being, or the next general assembly, which shall be chosen upon the present constitution, shall determine the time and manner in which the people shall choose said officers for the first year ; and upon said choice, the general assembly, then in being, shall be dissolved and give place to the free execution of this constitution.

By order of the convention.,

JEREMIAH POWELL, *President.*

Attest,

SAMUEL FREEMAN, *Clerk.*



No. II.—Page 300.

The General Court was to have met on Wednesday 31st January. But a sufficient number of representatives to form a quorum did not attend till Saturday, 3d of February. On receiving official notice, that the two houses were ready to proceed in the public business, the governor immediately proceeded to the senate chamber, and delivered the following speech to both houses then assembled.

“ Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

“ It was expected by the General Court, that their proceedings at their last session, respecting the insurgents, would have answered the purposes for which they were intended. By those proceedings, there were held forth to them, punishment on the one hand, and pardon on the other.—Punishment, in case of perseverance in their criminal conduct ; pardon and indemnity, if they desisted from it ; and by a given time, should take the oaths of allegiance. This application to their feelings, and to that actuating principle, a desire of personal safety, it was apprehended, would have had a forcible influence to bring them to their duty. But unhappily, it did not produce any good effect, except upon a very few individuals of them. On the contrary, the lenity and forbearance of government were treated with contempt, and imputed by them to an inability of defending itself ; and some of your last acts have been added to their list of grievances.

But the clearest and most unequivocal evidence of their perseverance, in opposition to government, is deduced from their proceedings, respecting the judicial courts, in several of the counties, since the last session of the General Court. They twice, with an armed force, stopped those courts in Worcester ; and would not suffer them to open in Hampshire. They attempted it, though unsuccessfully, in Middlesex : and in consequence of that attempt, several of them were taken into custody, by virtue of state warrants ; in the execution of which, the sheriff and other persons to whom the warrants were directed, had the aid and support of a number of spirited gentlemen of that county and Suffolk.

At the last time of their assembling in Worcester, there were nearly a thousand of them in arms, who, to the great annoyance and terror of that vicinity, continued embodied for several days after the court had adjourned : meditating, as it was apprehended, further outrages ; which were providentially prevented by the continued storms of that week.

These violent and treasonable proceedings of the insurgents were perpetrated after the publication of the last acts of the General Court respecting them ; and demonstrated, not only a total disregard of those acts, and the authority by which they were enacted, but a contempt of all constitutional government, and a fixed determination to persevere in measures for subverting it.

This determination, and these measures, were also manifested by their printed declarations ; and by some of the private transactions of their leaders, when the main body of the insurgents were last assembled at Worcester : by which it appeared, the insurgents were formed into regiments, and that a committee was appointed for each regiment, to see that it should, without delay, be properly officered and equipped ; and completely ready when called upon.

That this was the state of things in the western counties, was further confirmed by letters I received from some of the most respectable characters in those counties ; and by the oral testimony of many intelligent persons from thence : who all agreed in the necessity of speedy and vigorous measures being taken, for the effectual suppression of the insurgents : without which the well-affected might, from a principle of self-preservation, be obliged to join them ; and the insurrection become general.

The safety and well being of the Commonwealth being thus at hazard, and the lenient, conciliating measures of the General Court, having been rejected by the insurgents, I conceived myself under every obligation, of honour and duty, to exert the powers vested in me by law and the constitution, for the protection and defence of the Commonwealth, against the hostile and nefarious attempts of those lawless men.

Pursuant to this idea, I laid before the council all the information and intelligence I had collected, relative to the proceedings and designs of those men ; and the council were unanimously of opinion, and accordingly advised, that vigorous measures should be taken to protect the judicial courts,

particularly those that were then to be next holden at Worcester; to aid the civil magistrate in executing the laws; to repel all insurgents against the government; and to apprehend all disturbers of the public peace; particularly such of them as might be named in any state warrant, or warrants.

For these purposes, upon the effecting of which all good government, and indeed the happy existence of the Commonwealth, do essentially depend, I have called forth from several counties, a respectable body of the militia, the command of which I have given to major general Lincoln, with orders to carry those purposes into effectual execution.

Those orders are now in operation, and will be laid before you, with the general orders, containing the plan of measures, by which the Commonwealth was to be defended against its present assailants.

I congratulate you, gentlemen, on the success of those measures hitherto; and hope it is a prelude to final success, and to the re-establishment of perfect tranquillity. The despatches concerning it, which I have received from general Lincoln, and general Shepard, will be laid before you.

Thus, gentlemen, from a principle of duty to the Commonwealth, and in conformity to your resolution of the 24th of October, in which you express a full confidence, "that I will still persevere in the exercise of such powers as are vested in me by the constitution, for preventing any attempts to interrupt the administration of law and justice, and for enforcing due obedience to the authority and laws of government," I have taken the measures above represented. I trust they will meet with your entire approbation, and with *that* support, which is naturally to be expected from the guardians of the public safety.

On my part, I have done, in this business, what the duty of my office, and the oath of qualification, indispensably require: and I have the fullest confidence, that on your part nothing will be wanting to carry into complete effect the measures, that have been taken, or that may be further necessary, to

suppress the present insurrection ; and to ensure a strict obedience to the laws. This is so essential to the peace and safety of the Commonwealth, that it requires your immediate attention ; and the speedy application of further means, if those already taken should be deemed insufficient, for that purpose.

Among those means, you may deem it necessary to establish some criterion for discriminating between good citizens and insurgents, that each might be regarded according to their characters : the former as their country's friends, and to be protected ; and the latter as public enemies, and to be effectually suppressed. At such a time as the present, every man ought to show his colours, and take his side : no neutral characters should be allowed : nor any one suffered to vibrate between the two.

Vigour, decision, energy, will soon terminate this unnatural, this unprovoked insurrection ; and prevent the effusion of blood : but the contrary may involve the Commonwealth in a civil war, and all its dreadful consequences : which may extend not only to the neighbouring states, but even to the whole confederacy, and finally destroy the fair temple of American liberty : in the erection of which, besides the vast expense of it, many thousands of valuable citizens have been sacrificed.

There are several things, resulting from the measures in operation, which require your immediate attention.

The money immediately wanted for carrying them into execution, was supplied by a voluntary loan from a number of gentlemen, and in a manner which does them much honour. I must earnestly recommend to you to provide for its reimbursement, which, upon the principles of policy as well as justice, should be made as speedily as possible. Provision also should be made for defraying the general expense.

Should the time be too short to effect the great purposes, for which the militia were called forth, it may be necessary that general Lincoln should be empowered to continue them

in service, by enlistment, until those purposes shall be accomplished. The men being already embodied, and the arrangements for supporting them perfected, the expense of such a continuance will be much less than that of raising a new body for the same service.

There are defects in our militia act, which require an immediate remedy ; and which I shall mention to you in a separate message.

These, gentlemen, are matters of importance ; but the general subject of this address is of the first magnitude, and demands your immediate and most serious attention. If it be taken up with proper spirit—if the measures in operation be seconded with firmness and decision—and if the powers of the several branches of government be united in a wise and vigorous exertion, we may reasonably expect a speedy and happy issue to the present insurrection: to which happy issue every exertion on my part has been, and shall be, applied.

But, on the contrary, if indecision, languor or disunion should on this occasion pervade our public councils, insurrection, though checked for the present, would gain new strength, and, like a torrent, might sweep away every mound of the constitution ; and overwhelm the Commonwealth in every species of calamity. In such a case, if brought on by remissness, or relaxation, on our part, we should be, not only involved—most essentially involved, in that calamity, but justly chargeable with betraying the trust reposed in us by our fellow-citizens ; and chargeable with ignominiously deserting the posts assigned us, as guardians of the peace, the safety and happiness of the Commonwealth.

But, very happily—this is only a possible case ; for your patriotism, your virtue, your regard for your own liberties and property, and for those of your families and posterity, must induce you to call forth every power of government into vigorous exertion for preventing such a complication, such an accumulation of evils.

On this occasion, it is proper, gentlemen, to inform you, that I have received from several towns, petitions, directed to the governor and council, and also to the General Court, relative to the insurgents. The petitions, being eight in number, do disapprove of the proceedings of government, in regard to those people.

But as the things prayed for, were, for the most part, not cognizable by the governor and council; and such as were so, could not be granted by them, consistently with the duty they owe to the Commonwealth, the petitions will be laid before you, for *your* consideration.

There are other matters, to which your attention, gentlemen, is necessary; and they will be communicated by message.

JAMES BOWDOIN.

Council-Chamber, Feb. 3, 1787.

TO HIS EXCELLENCY JAMES BOWDOIN, ESQUIRE, GOVERNOR OF THE
COMMONWEALTH OF MASSACHUSETTS.

"May it please your Excellency,

"The senate and house of representatives, in General Court assembled, have read and duly attended to your speech at the opening of this session, and take the earliest opportunity to express their entire satisfaction in the measures you have been pleased to take, pursuant to the powers vested in you by the constitution, for the subduing a turbulent spirit, which has too long insulted the government of this Commonwealth, prostrated the courts of law and justice in divers counties, and threatened even the overthrow of the constitution itself. The General Court congratulate your excellency on the success with which Providence has been pleased hitherto to bless the wise, spirited and prudent measures which you have taken; and they earnestly entreat your excellency, still to encounter, repel, and resist, by all fitting ways, enterprises and means, all and every such person and persons, as

attempt or enterprise, in a hostile manner, the destruction, detriment, or annoyance of this Commonwealth ; and to pursue such further constitutional measures as you may think necessary for extirpating the spirit of rebellion : quieting the minds of the good people of the Commonwealth ; and establishing the just authority and dignity of government. And in order that your excellency may be possessed of the *full* power of the constitution, to effect these great purposes, the General Court have thought it highly necessary, after mature deliberation, to declare that a rebellion exists within this Commonwealth.

This court are fully persuaded, that by far the greater part of the citizens of this Commonwealth are warmly attached to our present happy constitution : they have a high sense of the merit of a respectable body of the militia, who have with readiness attended your excellency's orders on this pressing emergency, as well as of the patriotic zeal of a number of private citizens, who have cheerfully advanced their money in aid to government ; and you may be assured, sir, that the most speedy and effectual means will be used for the payment of the officers and soldiers who have been, or may be employed in this necessary and most important service ; and for the reimbursement of the monies generously advanced for its support.

It is to be expected, that vigour, decision and energy, under the direction and blessing of Heaven, will soon terminate this unnatural, unprovoked rebellion, prevent the effusion of blood, and the fatal consequences to be dreaded from a civil war ; and it is the determination of this court to establish a criterion for discriminating between good citizens and others, that each may be regarded according to their characters and deserts.

If it should appear to your excellency, that the time for which the militia, under the command of major general Lincoln, are enlisted, is too short to effect the great objects in view, it is the request of this court, that you would be pleas-

ed to direct the commanding general to reinlist the same men, or enlist others, for such further time as you may think necessary, or to replace them by detachments from the militia; and, if you shall think it expedient, to increase their numbers, and continue them in service until those purposes shall be completely accomplished.

The General Court will give the most ready attention to your message of the third instant, and every other communication you shall be pleased to lay before them. They will vigorously pursue every measure that may be calculated to support the constitution, and will still continue to redress any real grievances, if such shall be found to exist—humbly beseeching Almighty God to preserve union and harmony among the several powers of government, as well as among the honest and virtuous citizens of the Commonwealth, and to restore to us the inestimable blessings of peace and liberty, under a wise and righteous administration of government.

In SENATE, 4th February, 1787.

Read, and unanimously accepted--and ordered, That Samuel Adams, Caleb Strong, and Seth Washburne, Esquires, with such as the honourable house may join, be a committee to wait upon his excellency the governor with the foregoing address.

Sent down for concurrence.

SAMUEL PHILLIPS, jun. *President.*

In the HOUSE of REPRESENTATIVES, Feb. 4th, 1787.

Read and concurred, and Mr. Shepard, Mr. Brooks, Mr. Beckford, and Mr. Davis are joined.

ARTEMAS WARD, *Speaker.*

Commonwealth of Massachusetts.

WHEREAS many persons who now are, or have been, in arms against the government, may not have considered the evil nature and tendency of their crime; and might not have been apprized that an opposition to the legal authority of the state, with force of arms, is treason and rebellion: *And whereas* Ge-

neral Lincoln has given to a particular description of the insurgents his assurances of recommending them to the clemency of the government on certain conditions therein mentioned:

Resolved, That this court approve of general Lincoln's conduct in his overtures of recommending certain descriptions of insurgents to the clemency of government, and that the governor be, and he hereby is, authorised and empowered, in the name of the General Court, to promise a pardon, under such disqualifications as may hereafter be provided, to such private soldiers and others, who act in the capacity of non-commissioned officers, as have been, or now are, in arms against the Commonwealth, with such exceptions as he or the general officer commanding the troops may judge necessary; *provided*, they shall deliver up their arms, and take and subscribe the oath of allegiance to this Commonwealth, within such time as shall or may be limited by his excellency for that purpose.

In SENATE, 4th February, 1787.

Read, and unanimously accepted.

Sent down for concurrence.

SAMUEL PHILLIPS, *jun. President.*

In the HOUSE of REPRESENTATIVES, Feb. 4, 1787.

Read and concurred:

ARTEMAS WARD, *Speaker.*

Approved.

JAMES BOWDOIN.

No. III.—Page 300.

DECLARATION OF REBELLION.

WHEREAS the doings of the General Court at their last session, relative to the insurgents against the government and the authority of the state, in several counties within this Common-

wealth, were lenient and merciful, were intended to quiet the minds of the disaffected, and ought to have had the effect they were designed to produce :

And whereas every complaint of grievance was carefully attended to, with a disposition to grant all that relief which could be afforded consistent with equal justice and the dignity of government ; and the General Court, so far as they were able, adopted measures accordingly, and gave full and clear information, to the insurgents as well as others, of the general situation of public affairs :

And whereas a full and free pardon, for all the outrageous proceedings against the government, whereof the insurgents had been guilty, was tendered them upon this mild condition alone, that they should be guilty of such outrages no more ; and as evidence of their intentions to demean themselves, in future, as good and faithful citizens, should, before the first day of January, A. D. 1787, take and subscribe the oath of allegiance ; it manifestly appears, from the subsequent conduct of the leaders of the insurgents, that their opposition to government has not arisen from a misapprehension as to the views and disposition of government, or from a temporary irritation, arising from the pressure of supposed grievances, or from a misguided zeal to promote the public happiness, as has been insidiously asserted ; but from a settled determination to subvert the constitution, and put an end to the government of this Commonwealth : it is also abundantly manifest, that the conduct of the insurgents, in stopping the courts of justice in the counties of Worcester and Hampshire—in assembling in arms, avowedly to commit the same outrages in the county of Middlesex—in calling upon the towns in some counties to furnish themselves with arms and ammunition—in appointing committees to form their adherents into regular military companies, properly officered, thereby to establish within this Commonwealth a standing force, beyond the control of, and for the express purpose of opposing, in arms, the constitutional government of the state—in endeavouring to

increase the commotions in the counties aforesaid, by publicly inviting and alluring others to throw off their allegiance and join their body ; is subversive of all order and government, absolutely incompatible with the public safety and happiness ; and is an open, unnatural, unprovoked and wicked rebellion, against the dignity, authority and government of this Commonwealth :—and the legislature, in duty to their constituents, in conformity to their oaths, and by virtue of the authority vested in them by the constitution, (having ineffectually tried every lenient measure to reclaim them) Do HEREBY SOLEMNLY DECLARE, *That a horrid and unnatural REBELLION and WAR has been openly and traitorously raised and levied against this Commonwealth, and is still continued, and now exists within the same, with design to subvert and overthrow the constitution and form of government thereof, which has been most solemnly agreed to, and established by the citizens of this Commonwealth ; and that government ought and will, with the greatest energy and force, exert and bring forth all the power of the Commonwealth for the suppression thereof: and all the horrors and evils, that may follow in consequence of this rebellion, must be imputed to those men who have, contrary to the duty of their allegiance, and every principle of law and justice, been the fomenters, abettors and supporters of the same.*

In SENATE, 4th February, 1787.

Read, and unanimously accepted.

Sent down for concurrence.

SAMUEL PHILLIPS, jun. *President.*

In the HOUSE of REPRESENTATIVES, Feb. 4. 1787.

Read and concurred :

ARTEMAS WARD, *Speaker.*

No. IV. Page 321.

THE following letter was addressed by Hon. E. Gerry, who was one of the delegates from Massachusetts to the general

convention, to the senate and house of representatives. A copy of the constitution had been previously forwarded by Congress to the governor, to be laid before the legislature of the state. Mr. Gerry was the only delegate from Massachusetts, who declined signing the constitution; his reasons for which appear in the letter. It contains, in substance, the principal objections to the constitution. It is therefore proper to be preserved, in reference to the discussion on the subject stated in this volume.

NEW YORK, October 18, 1787.

Gentlemen—I have the honour to inclose, pursuant to my commission, the constitution proposed by the federal convention.

To this system, I gave my dissent, and shall submit my objections to the honorable legislature.

It was painful for me, on a subject of such national importance, to differ from the respectable members who signed the constitution. But, conceiving as I did, that the liberties of America were not secured by the system, it was my duty to oppose it.

My principal objections to the plan are, that there is no *adequate* provision for a *representation of the people*; that they have *no security for the right of election*; that some of the powers of the legislature are *ambiguous*, and others *indefinite and dangerous*; that the executive is *blended* with, and will have an *undue* influence over, the legislature; that the judicial department will be *oppressive*; that treaties of the highest importance may be formed by the president, with the advice of *two thirds* of a quorum of the senate; and that the system is without the security of a *bill of rights*. These are objections which are not local; but apply equally to all the states.

As the convention was called for “the sole and express purpose of revising the articles of confederation, and report-

ing to Congress and to the several legislatures, such alterations and provisions as shall render the federal constitution adequate to the exigences of government, and the preservation of the union," I did not conceive that these powers extended to the formation of the plan proposed; but the convention being of a different opinion, I acquiesced in it; being fully convinced, that, to preserve the union, an *efficient government was indispensably necessary; and that it would be difficult to make proper amendments to the articles of confederation.*

The constitution proposed has *few*, if any *federal* features; but is rather a system of *national* government: nevertheless, in many respects, I think it has great merit; and by proper amendments, may be adapted to "the exigences of government," and the preservation of liberty.

The question on this plan involves others of the highest importance—First, whether there shall be a *dissolution* of the federal government? Secondly, whether the several state governments shall be so altered, as, in effect, to be dissolved? And thirdly, whether, in lieu of the *federal* and *state* governments, the *national* constitution, now proposed, shall be substituted without amendment? Never, perhaps, were a people called on to decide a question of greater magnitude. Should the citizens of America adopt the plan as it now stands, their liberties may be lost. Or should they reject it altogether, anarchy may ensue. It is evident, therefore, that they should not be precipitate in their decisions; that the subject should be well understood, lest they should refuse to support the government, after having hastily adopted it.

If those who are in favour of the constitution, as well as those who are against it, should preserve moderation, their discussions may afford much information, and finally direct to a happy issue.

It may be urged by some, that an implicit confidence should be placed in the convention. But, however respectable the members may be who signed the constitution, it must be admitted that a free people are the proper guardians of their

rights and liberties ; that the greatest men may err ; and that their errors are sometimes of the greatest magnitude.

Others may suppose, that the constitution may be safely adopted, because therein provision is made to *amend* it. But cannot this object be better obtained before a ratification, than after it ? And should a free people adopt a form of government, under conviction that it wants amendment ?

And some may conceive, that, if the plan is not accepted by the people, they will not unite in another. But surely, while they have the power to amend, they are not under the necessity of rejecting it.

I shall only add, that, as the welfare of the union requires a better constitution than the confederation, I shall think it my duty, as a citizen of Massachusetts, to support that which shall be finally adopted ; sincerely hoping it will secure the liberty and happiness of America.

(Signed) E. GERRY.

To Hon. S. Adams,

President of the Senate, and

Hon. James Warren,

Speaker of the House of Representatives.

HISTORY

OF

MASSACHUSETTS,

FROM THE YEAR 1790, TO 1820.

BY ALDEN BRADFORD.

Boston :

PRINTED FOR THE AUTHOR, BY J. H. EASTBURN,
NO. 60, CONGRESS STREET.

.....
1829.

DISTRICT OF MASSACHUSETTS, TO WIT:

District Clerk's Office.

BE IT REMEMBERED, That on the ninth day of June, A. D. 1829, in the fifty-third year of the Independence of the United States of America, Alden Bradford, of the said District, has deposited in this Office the title of a book, the right whereof he claims as author, in the words following, to wit :

"History of Massachusetts, from the year 1790, to 1820. By Alden Bradford."

In Conformity to the Act of the Congress of the United States, entitled "An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such Copies, during the times therein mentioned;" and also to an Act entitled "An Act supplementary to an Act, entitled, An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts and Books to the Authors and Proprietors of such Copies during the times therein mentioned; and extending the benefits thereof to the Arts of Designing, Engraving and Etching Historical and other Prints."

JOHN W. DAVIS, } Clerk of the District
of Massachusetts.

TO THE YOUNG MEN

OF MASSACHUSETTS,

WHO FEEL AN INTEREST IN THE PUBLIC CONDUCT

OF THE GOVERNORS AND LEGISLATORS

OF THE STATE,

IN A CRITICAL PERIOD OF THE COUNTRY,

AND WHO WISH TO HAVE A CORRECT KNOWLEDGE

OF POLITICAL MEASURES AND EVENTS,

AS THEY TOOK PLACE,

THAT THEY MAY DO JUSTICE TO THE CHARACTERS

OF THE DISTINGUISHED STATESMEN

OF PAST TIMES,

AND BE FORTIFIED IN THEIR ATTACHMENT

TO CIVIL LIBERTY,

AND TO THE PRINCIPLES OF THE CONSTITUTION,

THIS VOLUME

IS DEDICATED, WITH ARDENT WISHES FOR THEIR PROSPERITY,

BY

THE WRITER.

PREFACE.

A volume, published in 1825, brought down the history of Massachusetts to the year 1790. The relation, given in the present volume, commences at that period. The federal, or general government, had then been organized; and all political measures relating to foreign countries, to commerce, and to affairs of a national character, were regulated by the Legislature of the Union. After that period, the history of an individual State becomes less interesting and less important. Each State, however, retaining all the power it possessed, when entirely sovereign and independent, which was not delegated to the Congress of the United States, for great national purposes, much was done worthy of record, and ought to be stated, to exhibit the condition, the enterprise, the prosperity, the opinions, and the character, of the people of this ancient Commonwealth. To accomplish this, with some good degree of correctness

and fidelity, has been the object of the writer, in the present volume. And it was found necessary, frequently, to refer to the transactions and measures of the federal government, most of which affected, in a greater or less degree, the State of Massachusetts. The political condition of the latter could not, indeed, be justly and fully exhibited, without relating something of the policy and proceedings of the former.

It has been the sincere wish and purpose of the writer, to notice public occurrences and to refer to public characters, with impartiality. Whether this has been done, must be left to the well-informed and the candid to determine. The difficulty of divesting oneself of all preference or partiality, must be felt by every honest mind, on reflection. It should be the desire and aim, however, to rise superior to party views and feelings.

It is difficult, also, to do full justice to the services of all public characters. But, intentionally, to misrepresent their conduct, or to withhold the praise which is justly their due, is a moral error very reprehensible. When a bare statement of facts is unfavourable to the reputation of some citizens and creditable to others, the reproach does not justly attach to the narrator, but to the indi-

viduals who have conducted unfaithfully or unwisely. In referring to the public men, however, it has been an invariable desire to avoid impeaching their motives, or to bring into notice any defects of their private characters. It was thought proper to speak only of their official or public conduct. This should be fairly stated, and the reader will judge of motives and principles for himself.

A portion of the volume refers to periods of great party excitement and political strife. And it is therefore, possible that to some, the statements will appear not altogether impartial. Opposing opinions were entertained, both as to the policy of the war of 1812, and the manner of conducting it. And the question growing out of that war, as to the authority of the federal Executive and its officers over the militia, was considered one of great importance. For the rights and liberty of every citizen were involved in the decision. A particular account of the subject, so far as Massachusetts was concerned, is attempted to be given in this volume. It seems to be very important, that the true meaning of the Constitution, on this point, should be determined. A constructive power claimed by the national rulers and exercised without restraint in a time of war, might affect

most injuriously the liberties of the whole people. And, of a doubtful power, which operates as an abridgment of the rights and a diminution of the comfort and happiness of the people, they will always complain. The necessity of confining the authority of the federal government, and especially of its individual officers and agents, to the letter, or to the plain natural meaning of the Constitution, cannot be too often, nor too strongly urged. As it would be paralyzing to public agents to deny them the exercise of power clearly delegated or fully implied, so, on the other hand, it will be fatal to the liberties of the citizens, if rulers may transcend the authority given them, and assume power according to their own caprice or wishes.

This question, as to the extent of the power of the federal government over the militia, and the propriety of the conduct of the rulers in Massachusetts, who declined placing them in the service of the United States, as was required by national officers, gave occasion to much discussion and excitement. It has appeared proper, therefore, to give a particular statement of the opinions expressed, and the proceedings had, at that time, on the subject. Perhaps, it will be considered, that the statement is unnecessarily minute; and, that the

reflections might have been well spared. Still it must be remembered that the transactions are legitimate materials for history ; and as to the reflections, they will be received only according to their relevancy and reasonableness. If the writer has any feelings of partiality, they are in favor of those patriots, who advocate and contend for the constitutional liberty of the people ; and if he has any prejudices, they are against those only, he trusts, who change their principles and their conduct when they attain to places of power, and assume authority not given by the constitution, and the exercise of which in others they had loudly condemned.

The writer had some doubt of the propriety of continuing the history to so late a period ; as some living characters are brought into view. But precedents may be found to justify this, both in America and in Europe. The life of Washington, by Judge Marshall, was published, while many prominent characters mentioned, were living. And this remark applies also, to the history of the insurrection in Massachusetts, 1786, by Judge Minot. It may be said, also, that the characters given of Governors Strong and Brooks are more in

the style of the eulogist than of the impartial historian. But it was impossible to do them full justice, either as public agents or private citizens, without speaking of them in terms, which, to those who know not all their worth, may appear to be exaggerated praise. They were of the party, formerly called *federal*, and yet they could not justly be considered party-men, in the common acceptation of the term. They fully approved of the policy and measures of WASHINGTON: and their great desire and object were to conform to his political principles.

A more pregnant wish for the welfare of the Commonwealth, it is believed, cannot be expressed or cherished, than that all future chief magistrates may be as able, as patriotic, as virtuous and as faithful as they were. And such a wish, the writer begs devoutly to offer.

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MASSACHUSETTS.

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No STATE in the Union, probably, was more immediately and substantially benefited by the federal government, formed in 1789, under the constitution adopted the preceding year, than Massachusetts. The prosperity of all the States composing the confederacy, was, indeed, soon and greatly aug-

sed, or incurred debts, to an amount of \$18,000,000 ; of this, \$2,000,000, had been paid or advanced by Congress, during the war ; and \$4,000,000, had been assumed by the federal government. Between the sums advanced by each State, or for which they were liable, and the amount of their proportion towards the whole expenses of the war, according to an estimation officially made, balances were struck ; and six States were found to have advanced more than their proportion, and seven less. The largest balance was in favour of South Carolina. Massachusetts was the next highest of the Creditor States ; and a balance of \$1,250,000, was credited to the State accordingly. It results from this statement, that Massachusetts, in fact, bore the expenses of the war of independence to the amount of \$11,500,000. But still in 1790, her debt was only \$5,000,000 ; for, during the war, by great effort and sacrifices, many expenses were, annually, paid.

The State of Massachusetts, as well as some others, had attempted to raise a revenue, by means of an excise on various articles of consumption or use, chiefly on such as were considered a luxury ; and a considerable amount was thus collected, to meet the public exigencies of the times. On the recommendation of the Continental Congress, in 1785 and 1786, the Legislature consented, that duties might be imposed, by that body, on imported goods, for the purpose of paying the debts of the Nation. But some of the States declined giving such power to Congress ; and the commerce of the country was in a condition, which yielded little profit to the merchant, and still less to the government.

It was in this unhappy condition of the country, that a proposition was made, as stated in a former volume, to enlarge the powers of the Continental Congress, particularly, as to commercial concerns ; so that the trade with foreign nations might be better regulated, and prove more beneficial in its results. It may be difficult to determine, in which State in the Union, this measure was first proposed or suggested. But it is certain, that Governor Bowdoin, in June 1785, recommended to the General Court of Massachusetts, that the powers of Congress be increased, for the purpose of a general and efficient regulation of the commerce of the country, and of providing for the certain and speedy payment of the national debts.* A committee of four eminent citizens was chosen to attend a meeting of delegates from the other States, to be holden in Maryland ; but it does not appear that any of the Committee of Massachusetts attended the Convention. As it recommended, if it did not originate the plan of a more general convention, which was soon after approved, this meeting was an important one. The Continental Congress, under the confederation, had also urged the measure. For they found their powers not competent to adopt all proper measures for the prosperity of the country and the protection and encouragement of commerce, without the consent of the Legislatures of the several States in the Union.

The first object of the federal or general government, which was organized in April, 1789, was to establish the credit of the United States, by im-

* See former vol. pages 253, 309.

posing duties on all imported goods and products from foreign countries, and by making laws to regulate the commercial intercourse between this and other nations. This was effected with equal intelligence and promptitude. And the advantages of this new political order of things were seen and acknowledged by all. With an extensive sea-coast, including many ports and harbours, and with a large portion of its population, accustomed to commercial and nautical enterprises, Massachusetts felt the happy change fully equal to, if not more than any other State in the Union. As her commerce was extended and protected, the labours of all other classes of her citizens were encouraged and rewarded. The mechanic found constant and lucrative occupation; and the farmer was amply compensated for the fruits of his industry.

The common class of citizens in Massachusetts, who have always sustained a high character for practical wisdom and good sense, as well as most of her eminent civilians and public characters, were decidedly in favour of the federal constitution; which, as has been stated, gave new and greater powers to the general government. They had long been sensible of the evils arising from the want of authority in the Continental Congress; and they rejoiced to find, that their early experience of its benefits fulfilled the favorable predictions which had been made of the blessings to flow from it. The mechanics, particularly, whose employments were greater and more profitable in proportion to the enterprise and prosperity of the merchants, ranked among the most zealous friends and supporters of the new federal government. They

soon realised many of the advantages which they had anticipated from its operation ; and they looked forward with sanguine hopes, to a period of still greater prosperity and wealth. Indeed, a new impetus was given to business of all kinds. The people generally, were enabled to pay their debts, and the State to raise its credit, with all who had demands upon it, from the low ebb, at which it had long been depressed.

There was, however, a portion of the citizens in the State, who were dissatisfied with the federal constitution, and with the early acts of the general government. Many of these no doubt, were honest and patriotic in their motives, however mistaken they might have been in their opinions on the subject. They feared, that the great and extensive powers, delegated by the federal compact to a national Legislature, would be abused, or exercised in a manner inconsistent with the rights and authority of independent, sovereign States. At that period even, some very able and upright politicians entertained high notions of State authority ; and believed, that the liberties of the people depended, in a great measure, upon the maintenance of the state governments in all their power. They were apprehensive, that the general government, being paramount to that of any individual State, would be disposed to assume and exercise authority not delegated, and thus lead to a consolidation of the Union, rather than remain a mere confederacy of independent States. It was also objected to the federal constitution, that such a principal and controuling government was not intended as had been proposed and adopted ; the design, in calling the convention which framed and recom-

mended it, having been only to amend or alter the articles of the old confederation, so as to provide for the regulation of foreign commerce, by the Continental Congress, that the system might be uniform and efficacious; and a revenue thus collected to discharge the debts of the nation. Such, undoubtedly, were the views and intentions of the people, when the convention was called, which framed the federal constitution. It was intended only to give the Continental Congress full and ultimate power to regulate commerce with other countries, which could be better done by a national Body than by the legislature of thirteen separate States; and to conduct and legislate on such concerns of a general or national character, as the welfare and prosperity of the whole United States required; but which, in their separate and individual capacity, they were not competent to do with effect.

Notwithstanding the assumption of a part of the State debt by the federal government, the taxes were high in Massachusetts, for the year 1790, 91 and 92; owing chiefly, indeed, to the arrears of those imposed from 1784 to 1790. They had accumulated, to a great amount; and those who were delinquents for the taxes paid before 1790, still complained loudly of the public burdens. The voice of complaint, however soon died away; for industry and economy enabled the people generally, to pay off old demands; and at the same time, to meet new taxes and expenses with more prompt payment, than they had the means of doing for many previous years.

Owing to the embarrassment on commerce and to the exigency of the times from (1786 to 1790)

it might have been good policy to exercise much forbearance, in calling for the payment of taxes, which were assessed upon the people. But in 1791, the arrears of taxes must have amounted to very large sums, to justify the legislature in imposing only a tax of \$100,000.* For the debt was constantly increasing, while so small a sum was raised for the public treasury. This amount was not sufficient to pay the interest of the debt, and to meet the ordinary expenses of the government. Such a policy is incompatible with the permanent prosperity of a State. But at this time an expectation was cherished of obtaining large sums from the sale of public lands in Maine: and a lottery was granted by the Legislature, to raise money for public purposes. Very little, however, was realized by this system of speculation. Governor Hancock, had the wisdom and firmness to discountenance this mode of raising money; and the General Court soon became satisfied of its impolicy and impropriety. At this period, the credit of the general government was better than that of the State. Congress adopted an efficient plan, for the gradual payment of the national debt, and for paying the interest with certain punctuality. Massachusetts had matured no such financial system. The paper of the State was still offered in the market, at a sum far below the nominal value, though not so low as in 1786 or 1788. For the interest was not punctually paid; and no means could be calculated upon with certainty to pay the principal at

* Boston paid, at this time, an eleventh part of the whole State tax. At a later period, it has contributed a much larger proportion of the tax of the Commonwealth

any stated time. The Commonwealth was not indeed, without resources; but large sums could not be raised on the credit of the State, without great sacrifices. The public lands in Maine, on which the calculation chiefly depended, it was generally believed, would rise in value, if not thrown into the market for several years; but in 1790 and 1791 they would not command a price sufficient to reimburse the expense of locating and selling. The Governor, repeatedly, urged the legislature to provide more effectually for discharging the debts of the State, and for paying with punctuality the demands of the public creditors.

In doing this, he did, indeed, but perform his duty, as the guardian of the welfare and honour of the commonwealth. But the immediate Representatives of the people, either differed from him in opinion, as to the means of discharging the public debt within a short period; or were more indulgent and forbearing towards their fellow citizens. It has already been stated, that only the usual tax was granted. The great excuse was founded in the expectation of relief, by receiving Stock of the United States and payment on lands sold in New-York; which would be appropriated to satisfy the creditors of the Commonwealth.

In 1787, after the Insurrection in the State was quelled, chiefly through the firmness of Governor Bowdoin and the bravery and prudence of General Lincoln, Mr. Hancock was elected Governor, as mentioned in the last volume; and he was, thereafter, successively, chosen in 1788, and 1789. He was again elected, as chief magistrate for 1790; and for 1791, 1792 and 1793, in the last year of which, he died. He had personal and political enemies. But such was his hold upon the affections and

gratitude of the great body of the people, that all efforts to supercede him and place any other citizen in the chair of State were ineffectual. He had some minor faults, all admitted; but they were forgotten or obscured by the sense of his uniform and ardent patriotism, and his singular sacrifices for the liberty of the country in the most critical periods of the war. It was, perhaps, a just charge against him, that he sought popularity at the expense of consistency; and that, on some important occasions, he was deficient in the firmness, which characterised a Bowdoin, of that, and a Strong, of a later period. But of the motives of public men, it is difficult always to judge correctly: and when a man has done and sacrificed much for the good of his country, his memory should be cherished with gratitude and respect.

Mr. Hancock was an advocate for the federal constitution, though not so great an admirer of it, as to consider it incapable of amendment. It was through him, publicly at least, that the proposition was made to the convention in Massachusetts, by which it was adopted, for the addition of several articles, if other States should approve of them: and, without that proposition, it is not improbable the vote would have been against the constitution, in this State. On several public occasions and in his official capacity, Governor Hancock, spoke with approbation of the federal government, and declared his readiness to support it. But he was of that class of politicians, who, at that period, objected to the great powers given to Congress by the constitution, and who contended for the authority and rights of the separate States, to such an extent as to leave little for the general govern-

ment to do, except to provide for the national welfare and defence in those cases, for which a single State was not adequate, nor had the power. These views were expressed by him in his public speech to the Legislature, in June 1790. "We shall best support the federal system," he observed, "by maintaining the constitution and government of our own State; upon which, with those of the other States of the Union, the federal government is founded. It must eventually stand or fall with the state governments. The federal government may indeed, by absorbing the powers of the state governments, change its nature, and become a different system from what it was intended. But to maintain it, as it now is, will be best effected, by maintaining them in their respectability and just authority." In the same speech, he recommended to the people to cherish a favourable opinion of the new national government; and expressed a belief, that it would prove beneficial to the United States. At the same time, he suggests his fears lest the general government should assume powers, which it could not justly exercise—and adds, "the constitution is a law to the national legislative authority itself."

Samuel Adams, who was Lieutenant Governor at this time, had similar views with Governor Hancock, respecting the federal government, and the powers which it might justly exercise. He joined with Mr. Hancock in the state convention in the proposition for amendments to the federal constitution, the general object of which was to guard the rights of the States, and prevent the national government from assuming powers not already delegated to it.

When he appeared before the two Houses of the general assembly, June 1790, to be qualified as Lieutenant Governor, by taking the oath of office he thus addressed the President of the Senate; "I shall be called upon to make a declaration, and I shall do it most cheerfully, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State,—I shall also be called upon to make another declaration, with the same solemnity, to support the constitution of the United States. I see no inconsistency in this. For it must be intended that these constitutions should mutually aid and support each other."

In his official address to the Legislature, just referred to, Governor Hancock urged the adoption of measures for supporting the credit of the State, and for paying the public debt, which was principally due to those who had rendered important services or made great sacrifices for the liberty and independence of the country. "The price of our freedom," he said, "had been great toil and expense; and we yet feel the weight of it. But we feel as freemen; while the people of other countries are oppressed with heavy burdens, accumulated not to secure, but to destroy their freedom." On this occasion, the Governor also expressed a hope "that care would be taken to diffuse useful knowledge and to inculcate the social and moral virtues, which were the foundation of public and private happiness." He likewise recommended the appropriation of lands in the District of Maine, for the support of schools and of the gospel ministry, in that part of the State; and advised to a grant for the University at Cambridge, whose

funds were then inadequate to a proper support of the Instructors.

The first census of the people of the United States, after the war of the revolution, was this year (1790) taken by order of Congress, which gave, for Massachusetts, 478,000 ; 100,000, of which were in the District of Maine, and 378,000 in Massachusetts proper. Not a single slave was then returned from the State ; the only one, at that time, which did not contain many.

In 1790, William Cushing, Chief Justice of the Supreme Judicial Court of Massachusetts, was appointed a Judge of the Supreme Court of the United States ; and was succeeded by Judge Sargent, who had been one of the Justices of the Court for several years. On the death of Judge Sargent in 1792, Francis Dana, an associated judge, was appointed Chief Justice. The other Justices of the Supreme Judicial Court at this period, were Robert T. Paine, Increase Sumner, Nathan Cushing and Thomas Dawes.

In 1791, great efforts were made to repeal the statute prohibiting theatrical entertainments. Some of the citizens of Boston were among the most active in this object, though many of the most distinguished and worthy characters of that town were opposed to the repeal. A petition was then before the General Court for the establishment of a Theatre in Boston ; and it was understood, that if the existing law against theatrical exhibitions and plays was repealed, they would become very frequent in the town, and a Building for the purpose would be erected. The aged people generally had strong objections to a licensed theatre : For they considered most plays of an im-

moral tendency, and the actors to be frequently of dissolute characters. Those who were in favour of a Theatre professed to believe, that such plays only as were chaste and correct in their sentiments would be presented; and that, under proper regulations, the amusement would be more rational and improving than some other recreations in which many indulged without censure. There were several meetings of the citizens of Boston on the subject. It was proposed, that the town should express an opinion in favour of a Theatre and instruct their Representatives to advocate it. The proposition, was opposed by Samuel Adams, Benjamin Austin, Jr. Thomas Dawes, Jr. and H. G. Otis; and supported by William Tudor, Charles Jarvis, Perez Morton, and several others.

An action was, this year, tried in the County of Bristol, which excited considerable interest, and manifested the feelings and sentiments of the people in the commonwealth, on the subject of the Slave Trade. Long before this period, slavery had ceased to exist in Massachusetts, in any form. Nor were any of her citizens known to be engaged in the disgraceful business of purchasing and transporting Africans for slaves; Though some merchants in the adjoining State of Rhode Island were suspected of being concerned in this inhuman traffic. About this period, a vessel was partly equipped at Boston, in Massachusetts, evidently intended for an enterprise of this kind; and two citizens then resident in the State were supposed to be concerned in the undertaking. In this belief, the owner and captain were prosecuted, and charged with a violation of the laws of the Commonwealth, in so doing. Eminent counsel were em-

ployed in the cause on each side ; but the respondents were convicted before the Court of Common Pleas, and afterwards, on an appeal, before the Supreme Judicial Court of the State ; and fined 200*l.* the penalty imposed by the statute, on such as were engaged in the Slave Trade. The principal defence was, that the owner and captain were not citizens of Massachusetts, and might also be prosecuted and fined for the same act in Rhode-Island, to which they belonged—But the statute used the term *resident*, as well as citizen ; the vessel also was fitted out in Boston, and the owner was some time present while she was in preparation for the voyage. Howell and Dawes were counsel for the Captain and owner, and Channing and Bradford, for defendants.

In the course of this year, the Commonwealth derived funds, to the amount of one hundred thousand dollars, from the sale of lands, in the interior of the State of New York, on and near the Genesee River. The State had claimed the right to a large territory ; but a part had been ceded to the United States, and a part sold some years before. This tract was claimed by virtue of the early patent to the company of Massachusetts Bay, by Charles I. which extended west, a certain width, to the great western ocean, according to the construction some put upon the instrument. The Dutch, having visited and settled the land on the Hudson River, to a certain extent, previously to the grant to the Massachusetts company, it was permitted them to hold those parts, and thus to divide the territory claimed under the charter of Massachusetts. On settlement of the question respecting the disputed territory, a large tract was

allowed to belong to this State, in the interior of New-York. It was only the pre-emptive right, however, which the State could sell. For the native Indians, then numerous in that section of the country, were acknowledged to have a right to the soil ; and this right was to be extinguished by the purchaser of the State, by satisfying the Indians for their claims before he had a full and complete title to the land. This indeed, usually, required but a small sum. For so late even as the time here referred to, the aborigines of the country valued their lands at a low rate.

A proposal was again made, during this year, for a Canal across Cape Cod, in the extreme western part, near where the Cape commences ; for the purpose of uniting the waters of Buzzard's Bay, on the South West, and of Barnstable Bay, so called, on the North East. The peninsula is narrow, in this part, and large creeks or brooks extend from each Bay, so as to approach very nearly together, and thus afford great facilities for constructing a Canal. The plan had been, frequently, before suggested ; and it was the opinion of many, who had considered the subject, that it would prove highly useful to the interests of navigation in the State. A committee was appointed, by authority of the Legislature, to survey the grounds, to ascertain the practicability of a Canal, and to report as to its expediency and advantages. The committee was also authorised to make surveys at any other place on the Cape, for this object. They reported in favour of the plan, and made an estimate of the probable expences attending its execution. But the work was not prosecuted. For some intelligent men had doubts of its

utility ; particularly at the season of the year, when such a passage would be most needed ; and the State was not, then, in sufficient funds, to engage in an expensive work, but of most evident necessity or importance.

This period, (1791 and 1792,) may be considered as the commencement of a system of internal improvements, in Massachusetts. Several turnpike roads were now projected ; and some were completed with all proper dispatch. The public roads were also from this time greatly improved in most parts of the State, at the cost and labour of the several towns, through which they passed. A commendable spirit prevailed in all sections of the commonwealth, for this purpose ; and the industry of the yeomanry was divided between his own immediate personal benefit, and the accommodation of the public. In the course of a few years, a great and favourable change was made in the country ; and turnpike roads were constructed in various directions.

The advantage was also foreseen, at this time, which would result from having a more cheap and easy way of travel, from the western and middle parts of the State to the metropolis, the great seaport of the Commonwealth. A canal was then contemplated from Boston to Connecticut river, and even to the Hudson. General Henry Knox and General David Cobb were among the most zealous in this project. But, though the resources of the country were beginning to be developed, and prosperity attended the labours and enterprises of the citizens, there was not a general disposition in the community to engage with ardour and effect in an enterprise of such magnitude. It was but a

short time subsequent to this, however, that the Middlesex Canal in Massachusetts was projected ; and, through the energy and perseverance of a few intelligent men, was finally constructed ; The most active, in this novel and important undertaking, were Hon. James Sullivan, Loammi Baldwin, the Sheriff of Middlesex County, and Hon. James Winthrop.

November 1792, there was an extra session of the General Court, which was held at Concord, on account of the small pox in Boston, the capital of the State. A great portion of the inhabitants were infected with this disease ; and the people from the country towns were unwilling to reside in or to visit the metropolis. The kine pox, as a mild substitute for the varioloid, was not then known in the country ; and there were few, comparatively, of the inhabitants who were not subject to this malignant and fatal malady. The principal business of this extra session of the Legislature, was to complete the College or Board of Electors of President and Vice President of the United States. The mode of choosing these, as well as the Representatives to Congress had been prescribed at the Session in June, and was as follows :—four districts were formed : the first, composed of the counties of Suffolk, Essex and Middlesex, was to elect four Representatives, one at least to reside in each county : The counties in the old colony, so called ; viz. Plymouth, Bristol, Barnstable, Dukes-County and Nantucket, to be a district, and to choose two : Hampshire, Worcester and Berkshire to make another district, and choose four : The counties in Maine to choose three. The district for choosing Electors were the same as for Representatives, and were to vote

for the same number, except that the district composed of the counties of Suffolk, Essex and Middlesex, and that composed of the counties of Hampshire, Worcester and Berkshire, chose five Electors each.*

It was then generally admitted, that while the Legislature had the constitutional right to prescribe the *mode* of election, the people themselves were to choose not only the Representatives but the Electors of President and Vice President. It was also considered most correct that the State should be divided into districts, for the purpose, as the citizens would, in such case, be better acquainted with the persons, for whom they gave their votes. In later times, the mode of choosing Electors, especially, has varied; sometimes being by a general ticket through the whole State, and sometimes even by the Legislature itself; and there is reason to apprehend, that party views have had an improper influence in the adoption of these different modes of election.

In his speech to the General Court, at this Session, Governor Hancock expressed his disapprobation of the terms used in the law of Congress, which prescribed the mode of proceedings to be observed by the Executive of a State, in recording and notifying the choice of Electors. The terms of the law were imperative upon the Chief Magistrate of each State; and the Governor was of opinion, that the word "*shall*" was improper to be used with reference to the duty or conduct of the Supreme Executive of an Independent State.

* The General Court was to fill up vacancies, if there was no choice by the people. And the Session at Concord, at this time, was for that purpose.

The law required the Governor to make three copies of the votes of the Electors of President and Vice President, and he contended that this should have been left to the judgment and discretion of the Chief Magistrate. There is no evidence that the General Court echoed these sentiments of the Governor. Perhaps, they did not attach any great importance to the circumstance. The law, probably, was intended only to prescribe a uniform and convenient mode of ascertaining, with accuracy and without failure, the state of the votes through the union. But Governor Hancock was one of that class of Republicans, by whom the undue assumption of power by the federal Government was apprehended, as a dangerous precedent, and calling for prompt and explicit remonstrance from the state authorities.

In his speech to the Legislature, January 1792, the Governor condemned public whipping and cropping for theft ; and recommended confinement to hard labour, as probably a more salutary as well as a more humane punishment. He expressed the opinion also, that capital punishments should be few.

There was a disposition generally manifested in the community, at this time, for an amelioration of the criminal law. Confinement to hard labour had already been substituted, in some cases for disgraceful punishments in public. An experiment of this kind was made on Castle Island, in the harbour of Boston. And the State Prison, or Penitentiary, at Charlestown, was soon after built.

A law was made, at this time for the due observation of the Lord's day, or Christian Sabbath. It was indeed but a re-enactment of former laws,

which had been in force from the early settlement of the country. The provisions were not so severe, perhaps, in prohibiting all kinds of secular employment ; but the act forbid travelling on business, all traffic and keeping open of shops and stores, and all public recreations under a penalty or pecuniary mulct. But the law was frequently disregarded, and very few cases of complaint or punishment occurred under it. It was evident that human laws would avail but little in enforcing a due regard of the Sabbath, or inducing men to attend religious worship. True religion is not promoted by compulsion ; and yet it may be proper for the civil authority to interdict public recreation, and all business of a merely worldly nature except necessity could be pleaded as an excuse.

During the year 1793, the last of Governor Hancock's administration (for he died in the month of October, in this year,) a suit was brought against the Commonwealth, by one *Vassal* an alien, though a native of the State, who left the country at the beginning of the revolutionary war and retired to England. The action was brought in the federal courts, by which it was sustained. A summons was issued, and served upon the Governor and upon the Attorney General, as principal citizens of the State, by the Marshall of the United States. The Governor denied the jurisdiction of the Court ; or rather the liability of the Commonwealth to answer to a suit in any Court. He, therefore, called a special session of the Legislature in September of the year above named. He referred to the case and gave it as his opinion, that the State could not be compelled to answer to a civil suit, as it would be in-

compatible with its sovereignty and independence. The subject was discussed in the General Court for several days. Some members of respectability were of opinion, the State might justly be sued, as well as any corporation or company, because it was equally obligated to do justice; and if it refused, should be compelled to it.

But a large majority of the Legislature expressed a different opinion. They agreed with the Governor, that a compulsory civil process against the State was utterly inconsistent with the attributes of sovereignty: and they, therefore, adopted a resolution, "that a power claimed, or which may be claimed of compelling a State to become a defendant in a Court of the United States, at the suit of an individual or individuals, is, (in the opinion of this Legislature) unnecessary and inexpedient; and, in its exercise, dangerous to the peace, safety and Independence of the several States, and repugnant to the first principles of a federal government." A resolve was also passed by the general court, at this time, requesting the Representatives and instructing the Senators of the Commonwealth, in Congress, to use their efforts to obtain an amendment to the constitution of the United States, with a view to remove any article or clause thereof which could be construed to justify a decision, that a State was compellable to answer in a civil suit, before any Judicature of the United States. An article was soon after added to the federal constitution, in conformity to the spirit of the foregoing resolution.

The death of Governor Hancock* soon followed this patriotic act, and produced a great sensa-

* He died at the age of 58.

tion through the Commonwealth. There were, indeed, many other great and good characters in the State; men of equal talents and patriotism; and no one could justly fear that the public interests would suffer. But he had been long known as a public character; was popular and courteous in his manners; hospitable and generous to individuals; and had given many noble proofs of devotion to the liberty and welfare of the country. His death was therefore deplored, as a great public loss; and the respect manifested by the people, for his memory, was gratifying both to his political and personal friends.

In the summer of 1793, a very malignant and mortal fever prevailed in Philadelphia. Business was almost entirely suspended for two or three months, and the sufferings and distresses of the people were very great. The *citizens of Boston* manifested their accustomed humanity and kindness on this occasion, by making contributions for their relief.

CHAPTER II.

Lieutenant Governor Adams Chief Magistrate on death of Governor Hancock....Elected Governor in 1784....Extract from his Public Speech.... French Revolution....New State House....Political parties....Treaty with Great Britain....Great opposition to the treaty....Violence of parties.... Governor Adams favours the conduct of the French Rulers....Public Schools....Choice of Electors in 1796....Governor Adams declines a reelection.

After the death of Governor Hancock, Samuel Adams, who was at the time Lieutenant Governor, occupied the chair of Chief Magistrate during the residue of the civil year: and, in 1794, was elected Governor, by the suffrages of the majority of his fellow citizens. Mr. Adams, was one of the most sincere and firm patriots in the State, and a most efficient advocate for the rights and liberties of the country. It has been even said by some, that he was the *first* in the resolute band of patriots, who contemplated and effected the Independence of the United States. On many occasions he was as decided and influential as any one in the State; and he was always consistent and unwavering in his course. But it may be more, perhaps, than can be justly said of any *one* man, to assert, that he was the most efficient of all; or that the revolution would not have been achieved without him. Mr. Adams had qualities, such as the times required; and as a stern, unde-

viating republican, he yielded to no one in the nation.

When Mr. Adams was chosen Governor, he was far advanced in years, having reached the age of seventy three. But he continued Chief Magistrate of the Commonwealth for three years, when he declined the suffrages of his constituents, and retired from the cares and responsibility of political life. The infirmities of age, he said, admonished him, that it was proper for him to resign all public duties.

The French Consul, resident in Boston, under the influence and direction of the Minister of that Nation, near the American Government, was chargeable with improper conduct, in taking a vessel by force from the civil authority, which he claimed as a prize to a privateer of his nation.—He was therefore removed from his office by General Washington, then President of the United States. His successor complained to Lieutenant Governor Adams, (November 1793,) of the conduct of the President, as arbitrary and unjust. He addressed the Lieutenant Governor, as “Citizen Adams;” and the language of the letter, generally, was not only very familiar, but indecorous. Most of the citizens, were indignant at the conduct of the French Consul; but the Lieut. Governor took no public notice of it. Perhaps, he considered the letter unworthy of a reply.

During the administration of Governor Adams, the people of the State and Nation were much agitated by the French Revolution, which, in 1794, had reached a crisis, that threatened the peace of the whole civilized world. The French Minister to the United States made unjust demands upon

the government, and attempted to exercise powers within the jurisdiction of the Nation, which were at once improper and mischievous; and when these were opposed, as they were by the prudence and wisdom of President Washington, he appealed to the feelings of the people, in behalf of republican France, for whose freedom and prosperity all Americans had a lively interest. The claims and conduct of the French Minister were calculated to endanger the peace of the country; and to expose the United States to all the expenses and evils of an European war. This, Washington foresaw; and therefore, refused the aid of government, to the projects of the Minister, which would have soon produced such a great national calamity. His policy was very generally approved by the citizens, although they cherished a grateful sense of the support afforded by France, in our struggle for Independence, and gave their warmest wishes for her success, in all attempts to establish a free government. But a portion of the people, from a mistaken opinion of the views of the leading characters, in the French nation, (who, probably, had little regard for republican freedom,) or, from an ardent love of civil liberty, in every form, disapproved the conduct of the federal administration, and justified the proceedings of the Minister, in his attempts to engage the United States to assist the agents and Nation of France.

This difference of opinion was the occasion of political disputes and party feelings, which disturbed the peace of the nation, for several years. It was, indeed, one of the chief causes of the two great political parties, into which the citizens of the

whole United States were, unhappily divided, for many years, subsequently to this period.*

Those who were the great admirers and supporters of the federal constitution, and of the federal government, as administered by Washington and his associates ; those who approved of his neutral policy, when urged by France, 1793 and 1794, to make common cause with her, in a war against the rest of Europe ;—were accused of being in favour of a “strong” government, rather than of one truly republican ; and even of leaning to monarchy, in preference to democracy : while those who condemned and opposed his measures, in refusing aid to the French agents, to carry into effect their hostile views towards Great Britain, and who applauded the irregular proceedings of the revolutionists of France, on the other hand, were considered political levellers and enemies to the just authority of

* In the early periods of the French Revolution (1791—1793) the people, generally, in Massachusetts, and through the nation were in favour of the social and political reform, which it was then expected would take place : and rejoiced in the prospect of the speedy enjoyment of civil liberty in that kingdom.—Feastings were had in many places, on the occasion, in which citizens of all classes united, to manifest their joy for a regenerated nation, which had long been governed with despotic sway. At some of the festive meetings the behaviour of the Clergy and of grave Senators, approached almost to the ludicrous : It would certainly be difficult to reconcile it to that dignity of deportment, which is proper to be maintained in society. The clergy, in many places countenanced these extravagances and this enthusiasm of the people by their presence, and sanctioned them by devotional exercises. At a great feast in Boston in 1793, in Faneuil Hall, the cradle of American Liberty, the Lieutenant Governor, a truly grave and religious man presided ; and, when he had occasion to address the servants who attended upon the company, used the familiar language of “citizen Cuff,” or “citizen Catc ;” and was addressed, in return, with the same familiarity “citizen Adams, what is your desire ”

government. It was pretended by those of the democratic party, but without evidence or reason, in the judgement of the most moderate and impartial citizens, that the national rulers were desirous to conciliate the British Government, even at the price of a surrender of our commercial and maritime rights; and that they were ungrateful, if not anti-republican, in not affording direct assistance to France, then earnestly contending, as it was pretended, for the liberty of the world.

Such surmises, respecting the views of General Washington, were enough to excite the prejudices and passions of the less informed against the federal administration, and to lead them to propose for rulers, men of different principles and views. In some states, the majority of the people wished for a change of Rulers. In Massachusetts, there were many of this class of politicians; and Governor Adams was considered as entertaining the same sentiments and views with themselves. But whatever were his real opinions on the subject, he was too cautious to censure openly the measures and policy of the federal government. As to Washington, no doubt Mr. Adams had a high opinion of his patriotism; though he might not consider him infallible as a politician. Mr. Adams, in fact, received the votes of many who had perfect confidence, both in the virtue and wisdom of the Chief Magistrate of the nation. The warmest political friends of Governor Adams, however, were those who disapproved of the conduct of the federal Rulers, particularly in relation to the French; and he had himself, probably, a more favourable opinion of the good to result from the Revolution in France than many of those entertained, who were the de-

cided supporters of the pacific course of Washington, at this critical period.

But with all his democratic principles and professions, and no doubt he was sincere, Governor Adams was a firm friend of social order, of legitimate government, and of law. During the controversy with Great Britain, for several years before the war of the revolution began, he was always careful to refer to constitutional principles, in justification of the measures by the friends of liberty, among whom he was chief: and in the unhappy insurrection in the State, in 1786-7, he was one of the most efficient supporters of the government.

In his first speech to the Legislature, January 1794, after the death of Governor Hancock, Mr. Adams, referring to the origin and cause of the federal government, said, "it was judged that the great affairs of the United States, which till then were entire sovereignties, could not be well conducted under the direction of several distinct governments. They therefore, formed and adopted a federal constitution, by which certain powers of sovereignty are delegated to the persons chosen to administer the general government, to be exercised conformably to and within the restrictions of the constitution. And all powers, not vested in Congress, remain to the State individually. Great caution is necessary, lest any degree of infringement take place, either on the rights of the federal government, or on those of the several States." He also referred particularly, to the principles of civil and political liberty, which are recognized by the constitution of the State: "that all men are born free and equal, and have certain natural, essential and unalienable rights." And these, he said,

“he considered guaranteed by the author of nature, and acknowledged by divine revelation.” In his first address to the General Court, as Chief Magistrate of the Commonwealth, “he felt it his duty to give his views on the nature of civil government, and important to advert to the first principles of our social republican system, on the support and permanency of which he believed our freedom and happiness, as a people, depended.” Again in June following, when elected Governor, Mr. Adams spoke of “the natural liberty and equality of mankind,” and expressed his ardent wishes that they might be acknowledged and established in all the governments of Europe. He alluded, with evident approbation, to the political revolution going on in France; but still expressed great confidence in the wisdom and patriotism of General Washington, who was then President of the United States; and whose neutral policy, as it regarded France and Great Britain, was disapproved by some of Governor Adams’ warmest supporters. At a late period, Mr. Adams, like other intelligent republicans in the United States, condemned the excesses which took place in revolutionary France, and lost all confidence in the disinterestedness of the leaders of the successive factions, which long distracted that unhappy country.

In the speech of Governor Adams last mentioned, he spoke with emphasis on the importance of the education of youth, in conformity to the system adopted in former periods, by maintaining public grammar schools in all the towns of the Commonwealth. It had then become very common to establish academies in most counties; and it was apprehended, by some of the people, that the con-

sequence would be unfavourable to the support of the grammar schools. For the towns in the vicinity of an academy, availing of the advantage they afforded the few who desired a classical education, would become careless of keeping up their grammar schools; and would employ persons to teach their children, who were not only destitute of a collegiate education, but entirely unfit to instruct them even in the English language. This evil was in fact the result in some places; and the multiplication of academies, soon led to a great change in this respect. For the laws of the State were so altered, as to divide towns into several small districts, for schools; and the persons employed to keep them were, frequently, quite incompetent to the important business they undertook.

By a clause in the constitution of the Commonwealth, which was adopted in 1780, that instrument was liable to a revision in 1795. In 1794 the question was submitted to the people, whether they were desirous of a convention, for the purpose of altering the constitution. But the majority expressed the opinion, that no alterations were necessary—a satisfactory proof, that the instrument was prepared with great wisdom, and was well adapted to promote the welfare and maintain the liberty of the people.

The amount assessed this year, for the public tax of the Commonwealth, was no greater than had been imposed for several preceeding years; and the Governor informed the General Court, that the finances of the State were in a prosperous condition. This was chiefly in consequence of the assumption of a great part of the debt of Massachusetts by the federal government.

The excesses and cruelties of the French, in 1793 and 1794, were so great, that many who had rejoiced when the revolution began, became alarmed and disgusted at their conduct; and the people of the United States were divided in their opinions, as to the real benefits which were to follow. The leaders in the revolution appeared to be destitute of moral principles, and even of the common feelings of humanity. The nation was in a state of perfect anarchy and misrule. The King had been executed, Lafayette proscribed, and all moderate men retired from the scene of confusion and blood.— Added to this, the conduct of the French agents in the United States was so irregular, that a great portion of the citizens joined in public expressions of disapprobation and censure, at their conduct.— Political Parties thus became more strongly marked, and more opposed in their sentiments, on the policy and measures of the general government.— At this period the British made depredations, on our commerce; and in other respects, discovered a disposition to embarrass the trade of the United States. Instead of an immediate resort to force, for justice, President Washington instituted a special embassy to the Court of London, for the purpose of negotiation. This prudent measure was represented as pusillanimous; particularly by those who were attached to France, and who still favoured the revolution in that country. When a Treaty was concluded, even before the articles were known, it was deprecated as a great political evil, as it was supposed it would serve to offend France, and make the intercourse with England more frequent and friendly. The feelings excited by the war of the revolution were not eradicated; and Great Britain

was considered, not entirely without reason, perhaps, as desirous of monopolizing all the advantages of commerce between the two countries.

The citizens of Boston, the capital of Massachusetts, were accustomed to take the lead in all important public concerns ; and generally, the feelings and opinions they expressed, were indicative of those entertained by the people throughout the State. In some instances, no doubt, there were exceptions to the truth of this remark. When it was known, that a treaty with the British government had been concluded, and was to be submitted by the President, to the Senate of the United States, for their consideration, but before the instrument was published and generally read, a certain class of politicians presumed to condemn it, and had the influence to excite strong prejudices against it, in the minds of many of the people.—The general features of the treaty were, indeed, known ; but much misrepresentation was made, as to its operations on the commerce of the United States ; and it was pretended, that the French nation would be so irritated by its adoption, as to make open war against America.

In this excited condition of the public feeling, a town meeting was holden in Boston, July, 1795, for the purpose of remonstrating against the treaty, and by a petition to the Senate, to prevent if possible, its ratification. It was proposed, by Charles Jarvis, to express their disapprobation of it, at once ; and to make known the opposition of the inhabitants of the town, immediately, to the President and Senate of the United States. One other person agreed to the course proposed by Mr. Jarvis,

and urged its adoption. One gentleman* only was decided, in expressing an opinion of the impropriety and inexpediency of interfering with the subject, as the constitution had given the exclusive power to make treaties to the President and national Senate. Messrs. Dawes, Tudor and Eustis, who spoke on the occasion, were in favour of a postponement, or of a reference to a committee, to report at a future meeting, after a more perfect knowledge of the provisions of the treaty. Very few of the citizens had then even read it: But the popular prejudices were strong against it. At an adjourned meeting, a few days after, a report was made and resolutions were offered by the committee; which were accepted, with little opposition. The substance of the resolutions was, "that the treaty was injurious to our commercial interests, derogatory to the honour and independence of the United States, and might be dangerous to the peace of the country."

The members of the chamber of commerce in Boston convened, soon after, when the treaty had been more maturely considered, and gave an opinion in its favour, and expressed their full acquiescence in its adoption by the national administration.

In his reply to the citizens of Boston, President Washington said, "In every act of my administration, I have sought the happiness of my fellow citizens. My system for the attainment of this

* *Joseph Hall, Esq.* an eminent attorney. On motion of B. Austin, a vote of thanks was passed by the meeting, to S. T. Mason, a Senator in Congress, from the State of Virginia, who had, contrary to the injunction of secrecy, while the treaty was pending before the Senate, caused a copy of that instrument to be published !

object has uniformly been to overlook all personal, local and partial considerations ; to contemplate the United States as one great whole ; to confide, that sudden impressions, when erroneous, would yield to candid reflection ; and to consult chiefly the substantial and permanent interests of our country. Nor have I departed from this line of conduct on the occasion which has produced the resolutions contained in your letter.

“ Without a predilection for my own judgment, I have weighed with attention every argument, which has been brought into view. But the constitution is the guide, which I can never abandon. It has assigned to the President the power of making treaties, with the advice and consent of the Senate. It was, doubtless, supposed two branches of government would combine, without passion, and with the best means of information, those facts and principles, on which the success of our foreign relations will always depend ; that they ought not to substitute, for their own convictions, the opinions of others ; or to seek truth through any channel but that of a temperate and well informed investigation.”

In his answer to the Boston Chamber of Commerce, he observed—“ while I regret the diversity of opinion which has been manifested on this occasion, it is a great satisfaction to learn, that the commercial part of my fellow-citizens, whose interests are thought to be most directly affected, so generally consider the treaty as calculated, on the whole, to procure important advantages to our country. This sentiment, I trust, will be extended, as the provisions of the treaty become well understood.”

But the prejudices and excitement, occasioned by the ratification of the treaty with Great Britain, were such as to produce riots among the lower classes in Boston. It was supposed, however, that they were persuaded to these excesses by some who did not personally take a part in them, and who had been among the most clamorous in condemning the treaty. These riots were continued for several successive nights. Some houses were attacked. The Attorney General of the State and the Sheriff of Suffolk, who attempted to suppress the mob, were grossly insulted, and in one instance personally assaulted.* The Governor declined to interpose his authority, when requested; believing, as he said, that it was the harmless amusement of young persons; which, if not altogether justifiable, did not require the arm of civil power to suppress it. A number of citizens formed a voluntary association, to prevent the continuance of such excesses; and their efforts were successful.

When the passions and prejudices of men are once warmly enlisted in a cause, whether political or religious, they are liable to go to extremes, which, under the guidance of sober reason, they would carefully avoid. They are prone to misrepresent the views and designs of those, from whom they differ, and to submit to the influence of the more zealous and active, without due consideration. The two political parties in the United States, which sprung up in 1789, in consequence of different views entertained of the tendency of

* One act of the mob was the burning an Effigy of Mr. Jay, who negotiated the treaty with England, which was so unpopular at the time, but which was afterwards, generally approved

the federal or national government, continued for several years, when the policy and conduct of President Washington, towards the two great belligerent nations of Europe, served to strengthen the decision, and to embitter the feelings of opposing partisans. The political separation of the citizens was confirmed, by the acceptance of the treaty made with Great Britain in 1795. There was, no doubt, an honest and sincere difference of opinion, as to the propriety and wisdom of these measures, and this course of policy. But there was, much of misrepresentation of motives and unjust crimination of each other. When it was pretended, that Washington and the members of his Cabinet were inimical to France, because it had changed from a monarchical to a republican form of government (as was alleged,) and that they were willing to accept a treaty with England, on terms injurious or dishonorable to the United States, very few, probably, believed the charge well founded. And when those who disapproved of the neutral policy of the federal administration, because they believed America was bound in gratitude to favour the French nation ; and expressed their dissatisfaction with the British treaty of 1795, as they considered it less beneficial in its provisions to the United States than to England ; were accused of a disposition to paralyze the government of their country and to sacrifice the peace of the nation to please the rulers of France ; the charge was made in the heat of party disputes, and under the influence rather of political prejudices and feelings than of sober and rational conviction. That one party would have preferred peace with England and war with France, if such were the unavoidable alterna-

tive, there is perhaps, no just cause to doubt.— Nor is there less reason to believe, that the other party, if war was inevitable as to one of the belligerents in Europe, would have chosen Great Britain for an enemy, and France for an ally. Which could have been the most just or politic course, it must be difficult at a subsequent period to decide. If all the circumstances of the times, and the peculiar condition of the United States were duly considered, however, it probably would appear, that the pacific and neutral policy of the national rulers in 1792, 93 and 94, was the most wise; and was, therefore, deserving the confidence and support of the people. The opposition to the measures of the federal government, at that time, discovered too much of a spirit of party, and no doubt induced the Rulers of France to treat the American government with disrespect and insolence. They supposed the majority of the people in the United States differed in opinion, from the Administration, and would be easily persuaded to withdraw their support from it. But in this, they were greatly mistaken. For with all their ardent wishes, for the prosperity of the French republic, the people were truly patriotic, and cherished the utmost loyalty of feeling towards their own government. The rulers of the nation, notwithstanding the many censures cast upon them, continued to receive the confidence and support of the citizens, generally, for several years after.

The Historical Society of Massachusetts was incorporated in 1794. Hon. James Sullivan was the first president; and the original promoters of it, were Rev. Dr. Belknap, Hon. James Winthrop, Rev. Dr. Eliot, Rev. Dr. Freeman, Hon

John Davis, William Tudor, George R. Minot, and Mr. Pemberton. Bowdoin College, at Brunswick, in Maine, was also incorporated in the year 1794; and the Rev. Joseph McKean was elected the first President. Besides the grant of a large tract of land, by the Legislature, some valuable donations were made to the Institution by individuals. Hon. James Bowdoin, son of Governor Bowdoin, was a liberal patron of the College.

On the 4th of July 1795, the corner stone of the new State House was laid by Governor Adams.—The lot was purchased by the town of Boston, of the heirs of Governor Hancock, for \$4000. The town made sale of several public lots, to pay for the lot purchased, as a site for the Capitol. A large procession was formed of the citizens, and the Grand Lodge of Free Masons also attended, on the occasion. The Governor made a short but pertinent address; in which he said, “he trusted, that within its walls, liberty and the rights of man would be eternally supported.”

Claiming Governor Adams, as one with them in sentiment and feeling, the opposers of Washington’s administration, in Massachusetts, in 1795 and 1796, became more clamorous and more intemperate in their censures. But some of them were inclined to throw the blame of the measures they condemned, rather on other members of the cabinet, than on the President himself. In some of his public speeches, Governor Adams gave too much occasion to this class of citizens, perhaps, to rank him in the opposition to the measures of the National Government. On one occasion he spoke of the federal government, as a “*foreign* government,” which was considered by many as an im-

proper epithet ; as it was instituted by the people, as much as the State governments were ; and it furnished argument, for the discontented to complain and to oppose. Governor Adams always estimated State Rights very highly ; and was desirous of keeping the federal government from all interference with them. In the expression of this jealousy, he might have been in error ; but he was undoubtedly sincere and honest in his political sentiments.—For many years, from this period, the Commonwealth continued to be divided by two great political parties, called federal and anti-federal, or democratic. The former were accused of being aristocratic in their sentiments and views ; the latter, as being promoters of disorder and misrule ; or as contending for principles, which were incompatible with the just support of law and order. Each was unjustly accused, no doubt, by the other ; or their respective opinions greatly exaggerated. There is every reason to believe, that the federalists generally, if not universally, were in favour of a republican or elective government ; and were never disposed to abridge the power and rights of the people. So, on the other hand, the majority of the democratic party were friends to constitutional restraints and to good government ; but generally, had higher notions of the power, or rather of the wisdom of the great mass of the people. These assumed the name of republican, and for a long time were known by it, equally as by that of democratic ; while the other party, from being the greatest advocates for the federal government, were long known by the appellation of federalists ; but most of them, no doubt, were as sincerely attached to republican principles as the other. The democrat-

ic party was also frequently denominated anti-federal, because many of them disapproved of the federal constitution, and, as a party, were opposed to the leading measures of the federal government, of that period.

Governor Adams was particularly opposed to the British treaty, and spoke of it in his public address to the Legislature of the State, as being in his opinion, “pregnant with great national evils.” He also at this time suggested the propriety of having the federal constitution so altered, as that no treaty should be valid and perfect, unless the voice of the House of Representatives in Congress were in its favour. The Constitution gave the power of making treaties with foreign nations, to the President and Senate: but Governor Adams believed, that the popular branch of the national Legislature, should be consulted in their ratification. Many other eminent republicans were of the same opinion. But the Constitution was not modified so as to give such power to the House of Representatives. It was generally considered proper, that the President and Senate should have exclusive power on this subject. The Governor was content, in giving his opinion on this point; which was, no doubt, sincerely entertained, and the suggestion of ardent patriotism. He was too wise and too patriotic to urge an alteration in the federal Constitution, if not approved by the majority of the people.

CHAPTER III.

Judge Sumner chosen Governor for 1797....He approves the policy of the federal government....Re-elected for 1798 and 1799....His death....Embassy to France in 1797....Not accredited....Two of them return....Mr. Gerry remains....Public religious worship and Ministers of the gospel.

Notwithstanding the depredations on the commerce of the country by the British, in 1793 and 1794, it was extended during these and the following years; and generally yielded great profits to those concerned in it. By preserving a neutral character, while France and England were engaged in war, the United States enjoyed the benefits of navigation, to a degree, which would not have been experienced had there been peace between those nations. The lumber trade from Maine, and the fisheries, added much to the wealth of the State, at this period.

By the treaty with Great Britain that government agreed to indemnify the Merchants of the United States, for the property which had been taken from them; and most of the American claims were soon after allowed and satisfied, under the direction of commissioners appointed by the two governments.*

At the session of the General Court, in June

* Christopher Gore of Massachusetts was one of the Commissioners.

1796, a resolve was passed, dividing the Commonwealth into Districts, for the choice of Electors of President and Vice President of the United States, as had been done on former similar occasions. They were to be chosen by the people, but the districting was different from that of 1792. At that time the State was divided into four districts, now there were fourteen, and each district was to choose one Elector. Two others were chosen by the Legislature. In the month of November, of this year, there was a Session of the Legislature, when a resolution was adopted, giving power to the Electors, who should be chosen by the people, to fill up any vacancies in the Board. When the resolve was presented to Governor Adams for his approbation and signature, he put his name to it, without much delay. But immediately after, he doubted the propriety of the measure; and the day following sent a message to the General Court expressing his doubts on the subject, and requesting liberty to erase his name and annul his former approval.

The reason given by the Governor was, that he was strongly inclined to the opinion, the resolve was contrary to the spirit and intent of the constitution; and that it would be improper to give a small number of men the power to appoint Electors or an Elector of President and Vice President of the United States, which belonged to the whole body of the people themselves. If not by the people, in their primary assemblies, he was of opinion, the choice should be made by the Legislative Body. But the General Court did not consent to the proposition of the Governor to withdraw his signature, or to annul the resolve.

In his public address to the Legislature, January 1797, Governor Adams, spoke of the importance of providing by law for the purity of elections ; and also gave notice, that he should decline the suffrages of his fellow citizens for the office of Chief Magistrate, at the approaching election. He was now about the age of seventy seven years ; and he found the cares and duties of public life too laborious for his constitutional infirmities. In his retirement to private life, he carried with him the good wishes and respect of the people, who always retained a grateful sense of his firmness and zeal in the cause of civil liberty.

Increase Sumner succeeded Mr. Adams, in May 1797, as Chief Magistrate of the Commonwealth. He came into office by the support and votes of that class of citizens denominated *federalists*. The other candidates for the office of Chief Magistrate, at that time, were Moses Gill, who had been Lieutenant Governor for several years, and James Sullivan, Attorney General of the State. Neither of these Gentlemen was considered decidedly opposed to the policy and measures of the federal government ; but Mr. Sumner was believed to be more firmly and fully disposed to give his support to the national administration. He had been a Judge of the Supreme Judicial Court of the Commonwealth, for several years : and was highly esteemed as well for his mild and urbane deportment, as for his talents and integrity. He had always openly approved the political conduct of President Washington and his cabinet, while, by a portion of the people in Massachusetts, as well as in other States in the Union, it was condemned as unwise or anti-republican. Party views had not

yet indeed, rendered the citizens altogether so bitter and hostile in their feelings towards one another as they were at a later period ; but then even, the political division was such that each had its favourite candidate for offices ; and the opposing one was represented either as so aristocratic or so democratic, as to be an improper character to be placed at the head of the Commonwealth. But the three eminent patriots, then candidates for the Chief Magistracy, were all, no doubt, sincerely attached to republican freedom, and would have administered the government in the true spirit of the Constitution.

In his first public address to the General Court, June 1797, Governor Sumner spoke of the policy and measures of the federal government with entire approbation. He declared his belief in the wisdom of the pacific and neutral course which had been pursued by Washington, with regard to France and England, and his confidence in the talents and patriotism of President Adams, who had then been recently elected Chief Magistrate of the United States. In this declaration, the Governor expressed the sentiments of a large majority of the citizens of Massachusetts. The happy effects of the pacific policy, adopted by the national rulers, were now every where felt and generally acknowledged. The commerce of the country was extensive and prosperous ; and its increase was attended by corresponding benefits to the mechanic and the farmer. A few only, at that period, openly manifested dissatisfaction with the measures of the general government. Mr. Adams, the new President, was known to be very friendly to commerce ; and it was believed, that he would pursue the wise

and prudent policy of his illustrious predecessor. But he had not been long in the chair, before his measures were bitterly opposed, in some sections of the nation, with the pretence, that he was departing from the pacific course of Washington, and was too much attached, for a Chief Magistrate of the American republic, to the government and nation of Great Britain. He was charged with expressing, in his defence of the constitutions of the several American States, too high an opinion of the wisdom and excellence of the British government ; and it was pretended he was in favour of the hereditary principle recognized in all monarchies. Of this, there was, indeed, no sufficient evidence ; and his friends appealed both to his writings and his conduct to discredit the suspicion.

But, unhappily, the opinion, prevailed in various states of the Union ; and the suspicion induced many of the citizens to misconstrue and misrepresent his public conduct. Some, in Massachusetts indulged in this uncandid, jealous spirit, and united with others in different States in censuring his administration. Generally, however, those who approved of the political course of Washington, gave their ready support to President Adams.—But party spirit was not extinguished nor checked. If it was less virulent for a short period, after Mr. Adams succeeded to the Chief Magistracy of the nation, it was soon again to be manifested with new warmth and activity.

The Rulers of France had not ceased to complain of the government of the United States ; and seemed still (in 1797) desirous of forcing America into a war with England ; or of preventing all commercial connexion between the two countries ; with

a view chiefly, no doubt, to injure the prosperity and strength of her rival. The conduct of the French government, which was then in the hands of a mere faction, was so unjust and so insolent towards the United States, that it became necessary, in the opinion of President Adams and his cabinet, to remonstrate with decision and feeling, and to prepare for the support of the nation's rights. This opinion and decision led to the adoption of measures expensive to the country, in building ships of war for the protection of commerce, in fortifying the sea-coasts, and in augmenting the number of national troops. The political enemies of Mr. Adams and of the federal party, took advantage of these expensive measures, to represent the administration and the majority of Congress as extravagant in their expenditures, and as disposed to a war with France, rather than with Great Britain; with one of which, it was supposed to be almost inevitable. It was said, that the French government demanded no more indulgencies or privileges than ought to be awarded from one republic to another; and that gratitude imposed an additional obligation upon the United States to favour, if not openly and directly to assist the people of France, struggling for the liberty, which was enjoyed by the citizens of America.

Mr. Sumner was again chosen Governor of Massachusetts in 1798; and in the usual public speech to the Legislature and Representatives of the people, he renewedly expressed his confidence in the wise policy and patriotic views of the national rulers; and recommended an acquiescence in, and support of their measures. Whatever regarded the welfare and prosperity of the whole United States,

and all affairs with foreign nations, the Governor considered as properly and exclusively belonging to the federal government; and was very desirous of impressing the people of the State with a belief of the propriety and importance of the measures, adopted by Congress, and by the National Executive.

He however, recommended to the Legislature to adopt measures of defence for the sea-coasts of the State, which are very extensive. And in 1797, during his administration, Castle-Island, in the harbour of Boston, on which a fort had been maintained from the first settlement of the country, was ceded to the United States. The fortifications were repaired and extended, with a view to prevent the entrance of any foreign vessels, which might invade the town. But a large portion of the people in the State, though the minority, did not see, or would not acknowledge the necessity for such expensive measures; and therefore continued to complain of the federal rulers. They contended, that a proper resentment of British aggressions, and a sincere desire to be on friendly terms with France, would place the nation in an eligible condition; that war would be prevented, and commerce free from interruption. By this party, some of whom were eminent statesmen, and most probably, honest in their censures of the national rulers, Governor Sumner was warmly opposed. But he was re-elected in 1799, by a very large majority of votes—Out of the 33,000, the whole number given that year, he received 25,000. To the great grief of his particular friends, and of many who had not the privilege of his personal acquaintance, he died the seventh of June, before he had taken the usual

oaths of office, to qualify him to discharge the duties of Chief Magistrate of the Commonwealth, for another year. Moses Gill, who was chosen Lieutenant Governor, occupied the chair of Chief Magistrate of the State, for the residue of the political year. He had been elected to the second office in the State, for several years; and was esteemed as an ardent patriot and a sincere friend to the liberties of the people.

The character of the political parties in the State remain unchanged. It was similar in other parts of the nation. The charge of British influence, or of an undue attachment to the English Nation, which was brought forward in 1795, when a treaty was made with that Government by General Washington, was reiterated; and some of the people were led to believe that the federal rulers were secretly desirous of an alliance with Great Britain, which would result in a general imitation of her political principles and form of government. The greater part of intelligent citizens, however, were superior to such a groundless suspicion. They wished indeed, to avoid a war with England; for her naval force was such as would destroy the commerce of the United States, the means of profit and wealth to a large portion of the people, and the principal source of revenue to the nation. But it was not believed, that the honour, any more than the interest of the nation, required hostility against Great Britain. Negotiation had formerly settled the disputes between the Government of that country and the United States, and obtained indemnification for injuries, without the relinquishment of any rights, as an independent nation.—The British Government, perhaps, had just cause

of complaint, in some instances, of a predilection, in the people of the United States, for the French Republic.

Under the authority given by Congress in 1797, to the Supreme Executive of the Nation, President Adams ordered the building of several large frigates,* and the increase of the national troops, which were denominated a provisional army. General Washington, who had retired from public life, and who was then of the age of sixty-eight, was induced from motives of patriotism, to accept the command of it; but on condition, that he was not to take the field in person, unless there was imminent danger of an invasion of the country by the French, who had threatened to make war upon the United States. The general officers designated for command in the provisional army, from Massachusetts, were Henry Knox, as a Major General, and John Brooks, as a Brigadier General. They had both been distinguished officers in the war of the revolution; and President Adams entertained a high opinion of their intelligence, bravery and patriotism. A part of the army, raised at this period, was stationed at Oxford, in the County of Worcester in Massachusetts, and remained about a year, when the troops were disbanded.

In the Summer of 1797, the President of the United States, (Mr. Adams) appointed three Envoys, to France, to endeavour to conciliate the Rulers of that Nation, and to adjust the difficulties which had, for several years, existed between

* One was built in Boston, and called the *Constitution*. She was considered one of the best and finest ships belonging to the United States; and is now as strong as those more recently built. She carries 44 Guns.

the two Governments ; and in which both the honour and the interest of America were believed to be deeply involved. Elbridge Gerry, one of the Envoys, was a citizen of Massachusetts, who had been much in political life, and was esteemed as a man of talents and patriotism. The reception of the American Ministers was such, as to induce two of them, Messrs. Pinckney and Marshall, to break off from all negotiations at an early period, and to leave the Court of France. For they were not publicly and officially accredited ; and persons were sent, in an informal and private manner, to ascertain their views, and to learn on what terms the United States was ready and willing to *purchase* the friendship of France. A loan to a large amount, and a *douceur* to the Ministers, was stated as necessary, even before entering on negotiation. Their instructions gave them no power to agree to such terms.—The intimation was also so revolting to the majority of the Envoys, at least, that they rejected them with indignation. It was on this occasion, that General Pinckney made the following patriotic declaration—“ Millions for defence ; not a cent for tribute.”

They were satisfied of a disposition, in the French Rulers, to delay and to evade the real merits of the dispute between the two nations ; and they had reason also to suspect a design to bribe or to intimidate the Envoys. Of this, at least, they were fully convinced, that no treaty could be made, consistently with the instructions, which they had received, or with the rights and honour of an independent nation.

In a message to Congress, January 1797, President Adams declared, “ that he had no reason

to hope (from the letters of the Envoys) that the objects of the mission would be effected, on terms, consistent with the honour, interests or safety of the nation." This opinion of the President was founded on letters written by the Envoys, three months after their arrival in France. In one dated in Dec. 1797, they observe, "we are *all* of opinion, that if we remain here six months, unless we stipulate to pay the sum proposed, we shall not be able to effect the object of our mission." They say further, in a letter of January 1798, "that there was no hope of their being officially received by the French government; or that the objects of their mission would be, in any way, accomplished." The President said also, in the message before quoted, "that he had done all in his power to conciliate France; and had given to the Envoys powers commensurate to the most liberal and pacific policy."* General Pinckney and Mr. Marshall quitted France in April 1798. But before this was known in the United States, the President had instructed the Envoys to return, unless the demand both of the *douceur* and loan was withdrawn, and they had been duly received, with a hope of forming a treaty on just and equitable principles. Mr. Gerry however remained; in the hope, no doubt, of effecting a treaty. But in this he was disappointed. And many of the citizens of the United States, and a large majority in Massachusetts censured him for thinking he could negotiate favourably for the

* The conduct of the French Government towards the United States, in 1797 and 98, was such as to justify the remark of an eminent patriot, "that resistance, or unconditional submission, was the only alternative left to a nation, within reach of its arms."

country, alone, when his colleagues were convinced that no just or reasonable conditions would be admitted. It was said, he ought to have shown the same decision and firmness, as his colleagues did; and that it would have reflected greater honour upon the American government. With many indeed, Mr. Gerry was believed to have been patriotic and upright in his views; but that he erred, in supposing he could accomplish, by his individual efforts and influence, what the whole embassy could not effect. The object of the French government, undoubtedly, was to detach Mr. Gerry from his colleagues; and through him, to make some improper offers, which, if not accepted by the President and Congress, might serve to deceive the world, and to keep up a party in the United States, of which to avail itself at a future time. The character of Mr. Gerry was that of being tenacious of his own peculiar projects and opinions; and of estimating, with great self-complacency, the plans which originated with himself. To have concluded a treaty with France, which would be approved by the people, after his two colleagues had left the country in disquiet or in despair, would have been a subject of triumph and self-gratification.

Mr. Gerry returned to America in October 1798; having remained near the French Government about six months after his colleagues had retired, and some time after he received instructions to return. The President of the United States was not pleased with his remaining, after inadmissible and insulting terms had been proposed, as the commencement of negotiation; and his colleagues had concluded there was no hope of a treaty, consistent with the honour or interests of

the nation. In the hope of detaching Mr. Gerry from the other Envoys, he had more attention paid to him; and even proposals, for an adjustment of the dispute between the two nations, were made to him, which *he declined to make known to his colleagues*. After their departure, he was deluded by specious promises of negotiation; and, at the same time, was the subject of insulting mockery, which must have excited his deep indignation, though he did not think it prudent to manifest it. The French Minister had early informed the Envoys, that the persons sent, informally, to converse with them were authorised by the Government, and might be believed in all they said or proposed. When it was known in the United States and in other places, that this intrigue had been adopted by Tallyrand, it was condemned, as highly improper in the French Minister and Government. The Minister of France had the effrontery to catechise Mr. Gerry on the subject, (Pinckney and Marshall had then returned.) He denied having any agency in employing Messrs. X. Y. and Z. and said the American Envoys had been imposed upon by persons unknown to the French Government. Most men would have manifested more sensibility at such treatment, than it appears the American Envoy did.

Soon after the return of Mr. Gerry, though he seems to have been convinced, while in France, both, when the other Envoys were there and after they left it, that no just and reasonable terms could be obtained, he wrote to President Adams (early in 1799) that the French rulers were desirous to treat with the United States. Referring to this letter of Mr. Gerry, Mr. Marshall says, "I am

grieved, rather than *surprised* at Mr. Gerry's letter. It is strange he should say, the negotiation was in a fair train. And I know not from what facts he infers the pacific temper of the French government. The evidence on which his judgment is formed *contradicts* the opinion he gave us."*

The great excitement produced by the treatment of the American Envoys, particularly in Massachusetts, and the peculiar course taken by Mr. Gerry, one of the Envoys, who was an eminent citizen of the State, will justify this full statement of a transaction, which is more immediately of a national character.

In March 1800, a law was passed, providing for the public Worship of God, and for the maintenance of teachers of piety, religion and morality. By this statute, it was enacted, "that the churches, connected and associated in public worship with towns, parishes, precincts, districts and other bodies politic or religious societies, should enjoy all their accustomed liberties and privileges, church order and discipline, not repugnant to the constitution of the commonwealth;" and every town, district, precinct, parish or other body politic or religious society was "required to be provided

* The agent of the French government used this insolent language to the American Envoys, in Nov. 1797,—“ You ought to know that the *diplomatic skill* of France and the means she possesses in *your country* are sufficient to enable her, with the *French party* in America, to throw the blame of the rupture on the Federalists, as you call yourselves; but on the *British party*, as we call you: And you may be assured this will be done.” How could patriotic and honourable men remain after this, and subject themselves to hear further insults offered to the government of their country? Soon after, Pinckney and Marshall resolved to leave France.

with a protestant teacher of piety, religion and morality." And the contract for the christian minister or teacher was to be made by the town or parish, (and not by the church separately) and was to be legally binding on the parish or town, in its corporate capacity.

It was provided, however, in this statute, that any person, taxed for the support of the Minister of the town or parish, within the limits of which he lived, being of a different sect or denomination might have his tax paid over to the public teacher, on whose instructions he usually attended, first obtaining a certificate, that he belonged to such other religious society.

This law was not passed without much consideration. Former laws on the subject were repealed; particularly all those made, previously to the adoption of the Constitution of the State in 1780. There were two important questions agitated at this time; one of which grew out the different constructions given to the third article in the Bill of Rights, as to the exemption of persons of a denomination other than that of the inhabitants generally, of the town or parish in which they lived, from paying taxes to the support of the settled minister of the place; and the other was moved by those who contended, that the *church* in any town, as distinct from the whole body of citizens, ought as in the first settlement of the country, to have the sole and exclusive power to elect the pastor or minister.

The clause of the constitution, contained in the proviso to the third article in the Bill of Rights, was so construed as to give dissatisfaction to those who belonged to minor sects or denominations; for it was contended, that, unless the person con-

stantly attended another place of worship, he must pay to the support of the minister of the town in which he lived, who was settled by the majority. The law of 1800 was considered more consistent with religious liberty, than some had been willing to allow, as it provided that one who belonged to a different sect or denomination might pay towards the support of the minister on whose instructions he *usually* attended, instead of assisting to maintain the teacher approved by the majority of the town. It was not till a much later period, (1811) that persons, who were not of a different denomination from the majority of a town or parish, were by law, excused from paying towards the settled Minister, and forming another Society, called indeed religious, but in which there was no regular teacher of piety, religion and morality.

By this statute, of 1800, the right of the citizens of any town or parish to have a voice in electing their Pastor or Teacher, as well as in fixing the amount of his salary, was also recognized. The laws of 1692, 1693 and 1695, relating to the power or privileges of *churches*, were repealed. In a very few cases, indeed, did churches contend for the right to choose a teacher for the town, without the consent and concurrence of the members of the congregation or society. The statute of 1693 required the inhabitants of each *town* to provide a learned and able Minister, and of good conversation; thus clearly implying that all the members of the society were to have a voice in his election. In 1695, "because in some towns there were more churches than one," it was enacted, "that the church should have power, (according to the word of God) to choose their own Minister;" and

that, on the majority of the inhabitants who usually attended the public worship of God, and who were qualified by law to vote in town affairs, concurring with the church in the choice, the person so elected, shall be the Minister," &c.

By this act, also, the inhabitants of a town, in which there was no church gathered or formed, were authorized to choose and call a Minister, for the settlement and maintenance of whom all the inhabitants were to be assessed. The law of 1695 provided, that, on the election of a Pastor or Teacher by the church, if the members of the Society or Congregation refused their assent, it might be proper for the church to have such person ordained accordingly, the neighbouring clergymen advising to the measure. But no instances are known for many years, in which the members of a church proceeded to settle a Minister, contrary to the wishes and will of the majority of the Congregation.

CHAPTER IV.

Caleb Strong chosen Governor in 1800.....His character.....Political parties continue,... Governor Strong approves of the policy of the federal government.....Addresses of the people, to the President of the United States.....Mr. Jefferson elected President of the United States.....Governor Strong re-elected in Massachusetts.....His conciliatory sentiments and advice.....Part of the State debt paid.....State Penitentiary.....Electors of President and Vice President of the United States.....State laws.

Caleb Strong was chosen Governor of Massachusetts, in April 1800. The other prominent candidate was Elbridge Gerry. The former was supported by the friends of the national administration; and was elected only by a small majority of votes. For many of the people were inclined to the belief, or the apprehension, that the federal rulers were plunging the nation into an unnecessary war; and that they were departing, in their political conduct, from the true principles of republicanism, or democracy. At this time, the citizens were nearly equally divided, into two political parties; the one was friendly to the existing administration of the general government; the other was warmly opposed to it. The latter proposed Mr. Jefferson for President of the United States, and the former gave its support to Mr. Adams. It was believed that Mr. Jefferson would be more desirous of preserving peace with France; and that he was more firmly established in true republican principles. The fed-

eral party was opposed to Mr. Jefferson's election, in the belief that he had been unfriendly to the policy of Washington in 1793-95; and also early objected to the federal Constitution, as too great an imitation of the British. The democratic party warmly opposed the re-election of Mr. Adams.

Mr. Strong was a man of uncommon talents, of great political knowledge and experience, and of unblemished morals. He entered early into public life, having been chosen a member of the Legislature, in the critical period of 1776. He was remarkable for self-command and good judgment; and his patriotism was pure and elevated. He was one of the five delegates from Massachusetts* to the general Convention at Philadelphia in 1787, by which the federal Constitution of the United States was framed. He was also a member of the State Convention of Massachusetts for adopting that Constitution; and no one was more active, or had a greater influence in procuring its acceptance.—When the federal government was established, in 1789, Mr. Strong was a Senator from Massachusetts, and contributed his full share of the talents, judgment and industry engaged in its organization. The judicial system of the United States, so highly and justly approved, was chiefly the work of his profound, comprehensive mind. Mr. Strong was eminent, also as a counsellor of law. He was early appointed a justice of the Supreme Judicial Court

* The others were Francis Dana, Elbridge Gerry, Nathaniel Gorham and Rufus King. Strong and Dana, though very much in favour of the Constitution, were necessarily absent from Philadelphia, when it was signed and sent out to the people; and therefore, their signatures do not appear to the instrument.

of Massachusetts, but could not be induced to accept the appointment.

The friends of the national government rejoiced at his elevation to the chair of Chief Magistrate of the large and respectable State of Massachusetts. And many of his political opponents had great confidence in his integrity and patriotism. His moderation and discretion were guarantees for the general propriety of his conduct ; and no one feared that he would adopt any measures from merely party excitement. But at the close of the first year of his gubernatorial service, he was opposed with as much warmth and zeal, as if he had compromised the peace and honour of the State, or shown himself indifferent to the rights and liberties of the people. Mr. Gerry was again supported for the office of Governor, by the anti-federalist party as they were commonly called, or the party opposed to the federal administration. But Governor Strong was re-elected ; having received 25,000 votes out of 40,000.

As had been anticipated, Governor Strong, soon after his election, expressed his approbation of the measures of the general government, in his characteristic tone of firmness and moderation. It was his manner to justify his own course, and to give the reasons for the policy he approved, without harsh and severe denunciations against those who differed from him on political subjects.

The internal police of the Commonwealth, at this period, required little correction. The growth and prosperity of the State were every where visible ; particularly, on public roads, great improvements were made, to the advantage and convenience of the citizens. Notwithstanding some inter-

ruptions to our extended foreign trade, in consequence of the war in Europe, and the repeated depredations on the navigation of the United States by the French, commerce was in a flourishing condition ; and the labours of the farmers and mechanics were favourably affected, by the prosperity of the merchants. The domestic dwellings of individuals, both in the country and sea-ports, were indications of this state of general improvement.

So long as there was any apprehension of a war with France, an ardent spirit of patriotism and independence animated the citizens of Massachusetts. Their voice was generally heard in approbation of the conduct of the federal administration ; and they were well prepared to support the just authority of the government. Citizens of all classes were engaged in addressing the Chief Magistrate of the Union, and promising their assistance for the defence and honour of the nation. A portion of the people, however, declared their dissent from the policy of the general government, and believed that further attempts at negotiation would be attended with success. Defensive measures were still pursued, at the same time that another embassy was instituted, for the purpose of restoring, if possible, a good understanding between France and America, without a resort to arms.*

The administration of President Adams, and the

* In October 1800, a naval combat took place between the United States Frigate *Boston*, of 32 guns, commanded by George Little of Massachusetts, and a French Frigate of a larger size ; in which the former was victorious. This was considered a brave and gallant exploit, on the part of Captain Little. The event was noticed with exultation by the people of the State and nation ; for there had not then, recently, been any similar victories to record or celebrate.

conduct of the federal party, then the majority in Congress, were particularly obnoxious to a great portion of the people, on account of the alien and sedition laws ; by which, the Executive was authorised to order foreigners to leave the United States, merely on suspicion of being opposed to the policy of the government ; and prosecutions were to be sustained in the Judicial Courts for pretended libellous publications on the rulers of the nation ; by which, it was supposed the freedom of the press would be restrained. These were very unpopular measures. It was considered arbitrary, as well as unwise to force men from the country, merely for disapproving or censuring the policy of the government ; and any approaches towards restraining the full liberty of the press were viewed with alarm and abhorrence.

The people of the United States were in this state of excitement and alarm, when the period arrived for designating some one to fill the office of President, for whom votes were to be given before the close of the year, (1800.) Those who approved generally, of the policy and measures of the existing administration were in favour of Mr. Adams, for four years longer. But those who considered the public conduct of Mr. Adams and his political friends improper and arbitrary, declared a preference for Mr. Jefferson of Virginia, who was then Vice President. The majority in Massachusetts was in favour of Mr. Adams ; and all the votes, given by the Electors for the State, were for him. These Electors of President and Vice President of the United State, were, at this time, chosen by the Legislature, at a special session in November. Four years before, all the citizens

voted for the Electors, in their respective districts. To secure the undivided vote of the State for Mr. Adams, this plan was adopted of electing by the Legislature, the majority of the members being known to be in his favour. If the former mode, of voting in districts by the citizens, had been adopted, several votes in the State would probably have been given for Mr. Jefferson.

It was reasonable and proper, perhaps to have the will of the majority in a State take effect, in such cases ; as otherwise, the voice and influence of the State would be divided, and of no avail, in the decision or choice to be made. But the same objection will lie against the mode of choosing members of Congress, in any State, by districts. For the opinions and votes of the members so chosen, may conflict with one another. Besides, whatever mode of choosing Electors is observed, should be adopted with great deliberation, and without the influence of party feelings. It should be uniform and permanent: and not changed according to the wishes of the existing majority.

Mr. Jefferson received more votes through all the States than Mr. Adams ; but was not chosen President by the Electors. The choice thus devolved on the House of Representatives of the nation ; and Mr. Jefferson was eventually elected President of the Union. At the session of the General Court of Massachusetts, next following the election of Mr. Jefferson, which was in June 1801, Governor Strong expressed himself in his Speech to the Legislature, in a very conciliating and candid manner. "Although," said he, "in the choice of a President of the United States, the result has not corresponded with the wishes of ma-

ny citizens of this Commonwealth, yet they will reflect, that, in republics, the opinion of the majority must prevail, and that obedience to the laws, and respect for the constitutional authority, are essential to the character of good citizens. We are encouraged to expect, that the Chief Magistrate of the nation will not depart from the essential principles of the government ; and so long as his administration shall be guided by those principles, he will be entitled to the confidence of the people ; and their interests require that he should possess it. But, if it shall, appear hereafter, that their anticipations are not realized, still a sense of decorum, and regard to justice and the public welfare should exclude asperity and false colouring from all discussion of public measures : For the morals and liberties of the people will be in danger, if the presses in our country are prostituted to faction and falsehood.” This is the language of a true patriot and of an enlightened statesman. It would be happy for the country, if such advice were generally followed, and such conciliating conduct imitated by distinguished politicians through the union.

In his official communications to the Legislature at this period, Governor Strong directed their attention to the means of the education of youth, as indispensable in a republican government, and as necessary to the welfare and happiness of society. The children of all classes of people, he insisted ought to be provided with instruction at the public expense. This indeed was in conformity to former usage in the State. But the most common duties, if essential to the improvement and intelligence of the community, should be frequently stat-

ed and recommended. He also urged upon the representatives of the people, the importance “of industry and frugality, of purity and simplicity of manners, to the preservation and enjoyment of republican freedom.”

At this time, the laws relating to schools and the public worship of God were examined by the Legislature, with peculiar attention. The inhabitants of the country, from its first settlement had been in favour of public schools, in which the children of the poorest classes might receive the rudiments of useful knowledge; and they believed it important, also, to provide, by law, for the support of teachers of piety, religion and morality; as some might otherwise be negligent of maintaining such institutions: at the same time, it was desired, that the people might be secured in the exercise of perfect liberty of conscience. The effect of the revolutionary war had been rather unfavourable to the cause of religion and good morals. But the people soon became more religious; and appeared to be duly sensible of the benefits of public worship, both in a spiritual and social view.

Public schools, supported by a common tax on all classes of the people, had been also required by law, from a very early period of the country. In the colony of Plymouth, while it was separate from Massachusetts, the general assembly provided for the support of public schools, where the children of all, without distinction were instructed. Massachusetts made a similar provision, at an early day; and has never ceased to require the maintenance of such institutions. These are the foundations and pillars of our republican government. The children of all, of the rich and the poor, of the

public officer and common citizen, meet together on a perfect level, with equal privileges and rights. They become attached to one another; and they acquire ideas of equality, which are important, and which remain with them through life.

According to a statement of the Governor, made in the course of this year (1801) a part of the debt of the State, incurred during the war of the revolution, and which had been allowed by Congress, as a balance due the Commonwealth, had been paid; in consequence of which the direct taxes would not be very great. At this time, the State tax was one hundred and thirty three thousand dollars. The pay of the Representatives amounted to \$20,000. In 1811, it was \$35,000.

During this political year, a law was passed, for paying off a fifth part of the public debt of the Commonwealth. This was still great, compared to later times, although not so large as it had been at a former period; for the federal government did not assume the whole debt of the state, growing out of the war of the revolution. Massachusetts had expended large sums for her own particular defence, by calling out the militia on numerous occasions, and becoming liable to pay both their wages and their rations. On one occasion, every fourth man was thus ordered out, from some counties, for protection of the State or of a neighbouring one, then invaded by the enemy.

The population of Massachusetts in 1800, including Maine was 423,000. In 1790, it was only 380,000; and in 1810, the census gave 473,000; and in 1820 upwards 500,000. But emigrations were continually taking place, from the State to other parts of the Union.

The character of Governor Strong, both as a politician and a man, is further illustrated, by the following declaration in his public address to the Legislature, on being chosen a second time to the office of Chief Magistrate. He was sincere and without disguise in all his professions. "My best endeavours will be continued to advance the reputation and welfare of my fellow citizens; to preserve their rights and privileges unimpaired; and to select those for public office who are most distinguished for abilities and integrity, by whatever name of political distinction they may be known," A Chief Magistrate of such conciliating and maganimous views must disseminate a salutary influence in society, and be a great blessing to a republican community.

In 1802, the Legislature provided for the erection of a State Prison, or Penitentiary in Massachusetts, to be located in Charlestown, in the vicinity of the metropolis and near to the tide waters of the harbour. The appropriation, first made for the purchase of land and the construction of the necessary buildings, amounted to one hundred thousand dollars. But a large additional sum was voted and expended before the buildings were completed. They were calculated to hold one hundred convicts, with the necessary work shops. In a few years, after the system went into operation, the prisoners far exceeded that number. Sometimes, there were nearly three hundred sentenced to confinement and hard labour in the prison, as a punishment for their crimes.

The punishment of whipping, and sitting in the Pillory &c. in public, had already been abolished; and those convicted of crimes against society were

sentenced to solitary confinement and labour. Burglary, which in every form and degree, was before punishable with death, was now considered, by the statute, a capital offence, only when the house-breaker was found armed with a deadly weapon, or gave evidence of an intention to commit murder, as well as to rob and plunder.

The great object of the projectors of this establishment was to give employment to the lawless depredators on society and their fellow-men; and if possible, to effect their reformation, by solitary confinement, where they would have opportunity for serious reflection. But the results were not altogether so favourable as many had anticipated. This was supposed to be owing, however, not so much to any error in the theory, as to a defect in the accommodations of the Penitentiary, or in the government of the convicts. Solitary confinement, in fact, was not realized. The buildings were not adequate for that purpose.* Several criminals

* "The general intention of the physical regimen is to preserve the prisoners in the State they are, and to restore them to society, as strong and in as good health as when placed in the prison. But the moral regimen is expected to do more; for it ought to make them better than when they were sentenced and confined. If they are during confinement and at its close, as much inclined to idleness and vice, as they formerly were, the moral discipline of the Penitentiary must be radically defective. Every punishment which does not aim to correct and reform, as well as to secure society, is unjustly arbitrary, and therefore tyranny or cruelty. It serves only to irritate the criminal, and make him more inimical to society and to his fellow men. The object of moral regimen should be to correct this error or defect. A convict is supposed to be incorrigible; and is therefore, distrusted and neglected; and thus placed in a condition where nothing presents itself to his mind, but temptations to do wrong; to commit, what, in a conventional sense is a crime, for his own support and existence. The means of

were confined in the same apartment ; and this served rather to corrupt than to reform. For one or two old offenders, more depraved than the rest, were often known to teach the younger members the means of vice and iniquity, of which they were before ignorant.*

For the first time, in Massachusetts, the Electors of President and Vice President of the United States, were chosen, in 1804, by a general ticket. In 1800, they were appointed by the Legislature ; and the measure was a very unpopular one. There were loud complaints against it, at the time ; and it was said the rights and privileges of the people were infringed thereby. The constitution of the United States provides, “ that the Electors should be chosen in such manner, as the Legislatures of the respective States should direct.” It was therefore, concluded, that the Legislature could not justly appoint or choose the Electors ; but only direct and prescribe the mode, in which they should be chosen by the people. The former measure was pretended to have been adopted, by those opposed to it, with party views, to gain all the votes of the State for Mr. Adams. The plan of voting for all the Electors on one ticket, instead of chosing in separate districts, was supposed by

employment and usefulness should be provided ; he should be considered capable of reformation, and of becoming a really good citizen—all encouragements given to this end—and the salutary effects on him would, probably, be correspondent to the benevolent intention in the public.”

* At a much later period, and after repeated representations of the Warden of the Prison, and the urgent recommendations of the Governor, new buildings were erected, so as to admit of placing one convict only in a room, during the night.

many to be for a similar purpose. The members of the Legislature were generally opposed to President Jefferson ; and it was believed, that, as there was a majority of the citizens in the State dissatisfied with his political principles and measures, a general ticket would result in the choice of Electors, who would give their votes to one of different opinions and policy.

Those who proposed and voted in favour of a general ticket, were much disappointed at the result. The Electors chosen were candidates friendly to the re-election of Mr. Jefferson ; and he accordingly received the vote of the whole State.— But if the Commonwealth had been divided into districts, as it was in 1796, the majority of Electors would have been of the federal party, who would not have given their votes in favour of Mr. Jefferson. This issue was justly a matter of triumph with the democratic or anti-federal party. It was as unexpected to them, perhaps, as it was to their political opponents. They considered the general ticket, as a party measure ; and having gained this election, they were sanguine of success, in the State elections for the succeeding year. In this expectation, however, they were disappointed. Governor Strong was chosen again, in the spring of 1805, in preference to Mr. Sullivan, who was the opposing candidate. For some reason, Mr. Gerry withdrew from the electioneering contest, at this period.

The result of the election, in 1804, for persons to vote, in behalf of the State, for President and Vice President, of the nation, served to show, that there were some citizens who would not blindly adopt all the measures of their party ; but would

vote and act according to their own sense of propriety and justice. Probably, there are always more or less of these moderate and impartial men in society. Where there are parties, some more ambitious or active characters will take the lead, and assume the right to propose and recommend, if not to dictate the course to be pursued—On finding their measures and conduct very generally correct, many who have not time to examine and inquire into the real state of affairs, will be ready to decide and believe, as the more intelligent or active of the party do. Still, they may be honest, and in a great measure independent. For when changes are proposed, and a different policy adopted, it is found that they are cautious and guarded; and not unfrequently, dissent from the opinion of those, whom they had been accustomed to respect and to follow.

At this period, the political excitement was as great, perhaps, as it had been for several years previously; and party disputes as fierce and bitter. The French government refused indemnification for former spoliation on our commerce, and continued to confiscate American property, both on the high seas, and in ports and harbours where they had power to do it. This was done by the French Rulers, with the pretext, that the government of the United States submitted to improper and ambitious conduct from the British. Mr. Jefferson was unable to obtain any redress for the past, or security for the future. And many supposed he was too submissive to the unjust and insolent conduct of the French government. It was thought that more resentment should have been exhibited by the federal administration, for the injury done, and that a

more lofty and decisive tone should have been assumed, to obtain justice, or to ensure respect.—The people of Massachusetts were much divided in opinion, and feeling, as to the wisdom and propriety of the policy of the general government, at this period.

In 1805, an act was passed against duelling.—Those who first made the challenge, if convicted, to be punished as felonious assaulters, and disqualified from holding any office in the State, of honour, profit or trust. Those who accepted a challenge, and those who stood in the character of seconds, were also to be liable to the like disqualifications. About this period, and while Mr. Strong was in the chair, several laws were passed of a general character, which were considered very beneficial, and long remained in force, without alteration. This year a law was made, requiring the Selectmen or Overseers of towns, to prepare lists of all legal voters, who were allowed, by the Constitution, to vote, either for town or state officers. Laws were enacted for the preservation of shellfish within the waters of the State; for regulating the weight, and the packing of beef and pork; and for the manufacture of nails; the statute for the support of public worship, revised; the contracts of the people with the teachers of religion for their support, were made legally binding; still any citizen was to pay the clergyman of the denomination to which he belonged, and on whose instructions he attended, though not within the limits of the town or parish where he resided.—The Supreme Judicial Court of the State was differently organized. The law term of the Court, as it was called in the act, was to be holden by at least, three of

the Justices, who were to determine questions of merely a law character, and wherein there was no inquiry as to facts, and also to try persons charged with crimes, which required a capital punishment. The *nisi prius* Court might be holden by one Justice, for Jury trials; from whose judgment, an appeal was allowed to the whole Court, on points of law, as stated by a single Judge.

CHAPTER V.

Governor Strong re-elected in 1806, but with much opposition.....Law on Plantation Votes.....Mr. Sullivan chosen Governor, for 1807.....Embargo.....Senators Pickering and Adams.....Complaints of the Embargo,... Governor Sullivan not intolerant,... Courts of Session.....Pretended Plot to destroy the Union.....County Attornies.....Death of Governor Sullivan,....Lieutenant Governor Lincoln.

Mr. Strong was elected Governor in 1806, for the seventh time, in uninterrupted succession; but this year, it was by a very small majority. And there were so many blunders and informalities in the return of the votes, and such a disposition in the members of the General Court, the greater portion of which were his political opponents, to set him aside, that his election was not officially declared until the tenth day of the session. Mr. Sullivan was the other candidate; and Governor Strong's majority was only four hundred. An attempt was made, in the Senate, to prevent his having the votes of several towns, merely for the omission or misplacing of a letter in his name, when no one doubted that they were designed for him. Several unincorporated plantations in Maine gave in votes also, for the gubernatorial candidates; and they were chiefly in favour of Mr. Sullivan. Objections were made to receive these votes, in the belief that the constitution did not intend it; and previously to this year, they had been generally, if not invariably rejected. The constitution allows

the inhabitants in plantations to vote for Senators, but not for Representatives; and it further provides, that those who were qualified and had the right to vote for Senators and Representatives might also vote for Governor. Those who were in favour of receiving such votes argued, that the citizens who were allowed to vote for either Senators or Representatives, ought not to be debarred from voting for Governor; but others contended, that only such were intended by the constitution as were allowed to vote both for Senators and Representatives. A bill was prepared, at this Session, June 1806, providing, that the votes given for Governor, by the citizens living in unincorporated plantations, should thereafter be admitted, and implying that such was the fair construction and intent of the constitution. It was not laid before the Governor for his consideration and signature, until the last day of the session. He did not approve of it, nor return it to the Legislature with his objections. The second day of the following session, he returned the Bill, without his approbation, and stating his objections to it. A majority of the General Court voted, that it had already become a law, because he did not return it within five days, the period provided in the constitution. This was considered a very unreasonable and arbitrary act.—The five days, allowed the Governor to make his objections to any Bill, of which he did not approve, evidently implied five days of the session of the General Court. If he had returned the Bill, with his objections, on the fourth or fifth day, after he received it, they could not be considered by the Senate and House; for they were prorogued before. By voting that the Bill had become a law,

under the circumstances of the case, the General Court violated or disregarded the spirit of the constitution; For there were not two thirds of the members in favour of the Bill, as is required, when the Governor objects, but a bare majority. The language of the constitution was altered in 1820, on this point, so that the Governor should have five days, while the General Court was in Session to consider a Bill, and make his objection.

The majorities in both branches of the General Court, this year, were of the party called democratic or republican; but the two great political parties were nearly equal; and as each* contended zealously for power, the dispute still continued, and too often with asperity and personal abuse, respecting the correctness of the policy pursued by the national rulers. President Jefferson and his cabinet were charged with a wish to promote the ambitious views of France, inconsistent with a just neutrality, and calculated to provoke her rival, Great Britain. Spoliations on the commerce of the United States were frequently made by the French vessels; and when remonstrances were made against the injustice of such treatment, and indemnification urged, the government of France attempted to justify its conduct, by alleging that the English nation had set the example, and had been very unjust in its conduct towards the United States. It was supposed, by one party in the State and Nation, that more spirited and decided measures in the general government, would have induced the French rulers to refrain from acts of rapine

* The Executive Council was composed of men of different politics from the Governor; and therefore very little business was done in that department, during the year.

and injustice; but, the other party acquiesced in, or fully approved of the measures of the administration, in the belief that it was guided by patriotic motives, and was pursuing the wisest course, in the existing state of Europe.

In 1807, Mr. Sullivan, the candidate nominated in opposition to Mr. Strong, was elected Governor of Massachusetts, but he had only a small plurality of the votes. The majority of members chosen for Senators and Representatives this year, were of the democratic party. So that all the departments of government were of this character, for the first time, after the State was divided into federal and democratic parties. This circumstance, probably, served to induce the national government to continue its restrictive and non-intercourse system, as the wisest policy for the United States, to shew its dislike of the conduct of the belligerents in Europe; and as the surest way to avoid collisions, and to preserve peace. It was from the northern and commercial States chiefly, that opposition was manifested to the policy of President Jefferson and his Cabinet. And a change in the large State of Massachusetts, in its Governor and Legislature, who were political friends to the national rulers, was seized upon as evidence, that the impartial and patriotic approved of measures, against which there had been so much clamour.

Mr. Sullivan had been a Judge of the Supreme Court, and Attorney General in Massachusetts for several years. And he was a man of great talents and industry. When first proposed as a candidate for Governor, he was charged with some improprieties of conduct in his former years—But these were found to be unjust, or much exaggerated.

Governor Sullivan was much less of a party politician, than many of his supporters wished or expected. He was, probably, disposed to act, in his new public station, with impartiality and candour—But the feelings and views of some of his friends would scarcely allow him to pursue such an honourable course—When he was elected Governor, in 1808, the Legislature had become of a federal character again; and his counsellors were therefore, of this class of citizens. He is said to have observed to a friend, that he had less difficulty with this council, than with that of the preceeding year. His public speech to the Legislature, when first chosen Chief Magistrate, in 1807, contained no party sentiments; but referred to the conduct of the general government with approbation, and exhorted the citizens to abstain from virulence and abuse towards the national rulers.

It was in the course of this year, that an Embargo was laid by Congress, on the recommendation of President Jefferson, without period or limitation. It had been usual in passing acts of restriction on commerce, to specify the time of their continuance. This feature in the Bill gave alarm to many, particularly to those who were interested in commercial pursuits. And it was feared, there would be great difficulty at any future time in obtaining a vote in Congress for a repeal. The President was not considered as a very warm friend to commerce, and had previously expressed a wish, that the people of the United States would have less intercourse with European and foreign nations, and would be content to be cultivators of the ground. So long as the President was in favour of the Embargo and non-intercourse, his influence

would enable him to prevail on a sufficient number in the Senate to prevent its repeal. But if the law had been for a limited time, it would be suffered to expire at the period formerly fixed.

The measures of the Embargo produced a great sensation in the Eastern States, and in some others also. It was said, that the governments of France and Great Britain could not be coerced by it. That the injury would be chiefly felt by the citizens of the United States; and that, if it was designed for the safety of the merchants, it was unnecessary, as they were intelligent men, and could best judge what was the danger of sending their vessels and property abroad. A greater portion of the citizens of Massachusetts probably, than of any other State, in the Union, suffered by this severe and unexpected measure. The regular business of many of them was suspended. The vessels loaded for foreign voyages, as well as other ships were much deteriorated, if not wholly lost. The vessels, not loaded, were hauled up, and dismantled; and served only to excite regret for individual losses, or censures on the policy of the national government.

If that feature in the Embargo Act, which gave to it the character of indefiniteness and permanency, was alarming to the people generally, the more intelligent saw in the measure a reason for greater dissatisfaction. The considerations, upon which the President recommended the measure to Congress, publicly, were not such as to satisfy them, that the law was necessary for the protection of commerce and the security of the maritime rights of the nation. There did not appear to be a sufficient call for such a measure, in the documents laid be-

fore Congress by the President, when he sent a message advising its adoption. The vote of John Q. Adams, one of the Senators of Massachusetts then in Congress, in favour of an unlimited Embargo, so injurious to the interests and so repugnant to the feelings of the people of the State, generally, was also the occasion of much surprise and animadversion, among the political characters of that day. He could not be ignorant of the injurious effects of such a measure upon the pursuits of his constituents. And it was at first believed, that some very strong reasons operated in his mind, to induce him to vote for the act, which had not been made public. But, when it was found, that he voted without giving any reason, except that the President had advised to the measure, and declared, that it was not a time to inquire nor to deliberate, the citizens were the more surprised, at his conduct; as he had not only deserted the cause and interests of the people, whom he represented, but avowed as the sole reason for his vote, that the Executive was in favour of such a proceeding. This was surrendering his own judgment to that of the President, instead of acting either for the benefit of his own State, or for the honour and welfare of the nation. The federal party, which Mr. Adams deserted by this conduct, imputed his vote to a desire to conciliate the favour of President Jefferson and his friends, who were then a large majority of the nation; but the latter affected to see in it, only a devotion to the public good, and a resolution to act according to the convictions of his own mind.

Timothy Pickering, the other Senator in Congress from Massachusetts, when the Embargo Act

was passed, opposed the measure, as improper in principle, on account of its being unlimited in time; and as inexpedient and impolitic, in the condition of the country, and the ostensible purpose, for which it was proposed. He addressed a long letter to Governor Sullivan; but intended for the Legislature and people of Massachusetts, to whom he considered himself bound to give his views on the subject. The Governor did not immediately publish the letter. For this omission, he was severely blamed; as it was addressed to him as Chief Magistrate of the State, to be communicated to the Representatives of the people. When a few weeks after, the letter of Mr. Pickering was published, it convinced a great portion of the citizens of Massachusetts, of the inexpediency of the Embargo; and some were even led, to suppose that it was designed to favour the ambitious views of the Emperor of France.*

The Embargo law was so injurious to the prosperity of the State, and consequently, so unpopular, that a change of political opinion soon took place in Massachusetts, to a considerable extent. The people withdrew their confidence and support from candidates for public offices, who were

* Soon after Mr. Pickering's letter was published, Mr. Adams saw fit to address one, through the press, to Mr. Otis; in favour of the Embargo. It is a remarkable fact, that in this letter he aims to show the policy and wisdom of the Embargo law, by referring to an act of the British Ministry, which was not known when the Embargo was laid. He admits that the papers transmitted by President Jefferson did not warrant the measure; and he would justify his vote, by resting on a cause, not known to exist. But when a politician departs from a strait-forward course, the error of an anachronism is not the only one he is likely to commit.

friendly to the embargo, and to the general policy and measures of the national government. Governor Sullivan, indeed, was again elected in 1808; but the majority, both in the Senate and House of Representatives, was of the federal party. This was a great disappointment and mortification to the friends of the restricting system, and the supporters of Mr. Jefferson; for they had calculated, that the government of the State would long continue in their hands. Whether Mr. Adams was of this opinion, when he declared himself in favour of the policy and administration of President Jefferson, is not known. But there were not wanting, those who believed, that he expected when he voted for the embargo, the democratic party in Massachusetts would remain the majority. In June 1808, about nine months before the time would expire, for which he had been elected a Senator in Congress, Mr. Lloyd was appointed to succeed him. Mr. Adams was so offended with being thus superseded, that he resigned his seat in the federal Senate for the residue of the time he had then to serve.—The reason given by him, was, that, as it was apparent his constituents did not approve of his political conduct, he thought it proper to retain his seat in the Senate no longer. But Mr. Adams must have known sometime before the election of Mr. Lloyd, that his vote on the embargo, as well as on some other questions, agitated in Congress, in 1807, was not approved by the people of Massachusetts.

The same spirit and policy, which induced the national government of 1807-1808, to pass a law for an Embargo without necessity, and without fixing upon a certain term of time for its termination, led to additional acts upon the subject, re-

straining the people almost from the freedom of going upon the ocean at all, and imposing regulations even on the coasting trade from one State to another in the Union. There was an interdiction against carrying the necessary article of corn from a Southern to a Northern and Eastern port, without a special license and approbation of the President. In pursuance of this regulation, the President of the United States requested Governor Sullivan to give him information who would be suitable and proper persons to allow to carry flour from a port in a Southern State, to Boston, or some other port in Massachusetts. This was considered as an arbitrary and oppressive measure. Yet those, whose party views were so strong as to judge rather from feeling and prejudice than reason, justified the proceeding. The article of fish was not allowed to be carried to a foreign market, though there was a great quantity, beyond what was necessary for home consumption; and thus those engaged in the cod fishery were subjected to a great loss.* Loud complaints were heard in many parts of the State, because of these acts of the national government; and yet many professed to believe, that these measures would induce both England and France to treat the United States with more respect and justice; that there might be "reasons of State" to justify them, of the validity of which the people generally, could not judge.

In the course of the year 1807, a proposition was made and adopted in Vermont, for an alteration of the federal constitution, giving power to the na-

* A petition was sent from Boston, for the exportation of fish, which were decaying. But the petition was not granted.—Mr. Adams was Chairman of the Committee, to which it was referred.

tional Executive to remove the Judges of the Supreme Court of the United States from office, on an address of the majority of Congress, without impeachment for any high crime or misdemeanour. The proposition was laid before the Legislature of Massachusetts for its consideration; and it passed in the House by a vote of 92 to 44. President Jefferson approved of such a change in the constitution. He was not in favour of the absolute and entire independence of the judges; and some recent decision had given him great dissatisfaction, particularly the opinion of the Chief Justice on the trial of Mr. Burr for high treason. The influence of Mr. Jefferson, at that period, was very great.—His political friends and supporters were desirous of carrying all his plans and wishes into effect.—But in this plan, he did not find the majority to support him.

The most violent of the democratic party in the State, attempted to introduce a system of political intolerance and proscription, during the administration of Governor Sullivan. But he generally resisted and prevented the execution of their plans.—several Sheriffs however, were removed from office, by the Supreme Executive, during his administration; under a pretence, indeed, by their political opponents, of incompetency and unfaithfulness, but without party views, they would have been suffered to remain. This was considered arbitrary conduct, though not strictly unconstitutional or illegal. For in all cases of appointment to office, by the Governor and his Council, unless it was expressly otherwise provided, as it is in all judicial officers, it was supposed there was a right to remove old incumbents and to appoint others in their places.—

The tenure of office for the judges was that of during good behaviour ; but as to most other public civil officers, who received their appointment from the Governor, he, in fact, had the right to supersede them, at his pleasure, with the advice and consent of the council. Their commissions were so expressed, as to indicate this right. But the power was not often exercised, except in case of mal-administration in office.

During the administration of Governor Sullivan, the Courts of Sessions in the several counties of the State, were organized anew. Formerly, these Courts were composed of all the Justices of the Peace within the county ; and they had jurisdiction as to public roads, support of paupers, &c.—A law was now passed providing that the county Courts of Session should be composed of three, four, or five persons, according to the population of the shire ; one of these was appointed Chief Justice, and the others, Associate Justices. A law was also made for the appointment of an attorney in every county, who in the absence of the attorney general, should perform the duties usually discharged by that officer. The practice had been for the County Court to appoint an attorney, at the court, or for every year.

It was a great reproach to the democratic party, that the Treasurer of the Commonwealth, who had been appointed by them, to the exclusion of Mr. Jackson, who filled the office with fidelity and talent, became a public defaulter, during the administration of Governor Sullivan, to a large amount. Mr. Jackson was a man of great punctuality and an able financier ; but he was obnoxious to the democratic party ; and Mr. Skinner chosen in his

place. He was so unwise and indiscreet, as to speculate with the public money—and was unable to refund, in the amount of \$70,000. His sureties were numerous, but not opulent. He had been put into the office, as a reward for his zealous services in favour of the democratic party. The Commonwealth eventually lost a considerable sum by his default and that of his bondsmen.

On the demise of Governor Sullivan, which was in December 1808, Lieutenant Governor Lincoln occupied the place of Chief Magistrate for the remainder of the political year. He was less tolerant and elevated in his political feelings than Governor Sullivan had been. It was generally believed, that he urged the Governor to adopt a severe and exclusive policy, by which he might proceed to remove all the federalists from office in the State, and to appoint those of the democratic party in their place. The vote of the people, by which the majority of their rulers was of a particular political sentiment, he argued, was indicative of their wishes. But Governor Sullivan could not be persuaded to adopt this exclusive policy. The Lieutenant Governor in his speech to the Legislature, in January 1809, referred to the meetings of the citizens, which had been holden in several seaport towns, to remonstrate against the restrictive system and the Embargo, and to point out the injuries and oppressions which were consequent thereto. He condemned these meetings, as highly improper and as manifesting a spirit of dangerous opposition to the government of the nation. His arguments convinced but a very few; for the citizens of Massachusetts always claimed the right to discuss the conduct of their public servants, and to

remonstrate against measures which they considered arbitrary and oppressive.

The year 1808 was a period of much depression to the business and of great trial to the patriotism of the citizens of Massachusetts. They could not perceive the necessity of the Embargo; especially for so long a period; and their privations and sufferings under it, excited their feelings in no ordinary degree. They complained loudly and constantly of its evils, and held meetings in many places to petition Congress for its removal, or to request the aid and interference of the Legislature. Individuals, on some occasions, at these meetings, and anonymous writers in the public papers, expressed themselves, under the influence of irritated feelings, in a manner not altogether justifiable or proper. Some considered an unlimited Embargo to be unconstitutional: and some even declared, that unless soon withdrawn, it would be resisted by force, and might lead to a dissolution of the Union.

But this was the language of suffering, and of a few insulated citizens, inconsiderately uttered. No body of men, either of the Legislature or of towns or counties, ever seriously advocated or proposed such a measure in Massachusetts. Nor was there ever just reason to believe, that any public characters, or individuals who had the confidence of their fellow citizens, meditated the dissolution of the Union, for any purpose whatever. The members of the Legislature remonstrated against the Embargo, and pointed out its impolicy and its destructive effects. The people in many towns did the same; and in some cases expressed their fears of an undue foreign influence, and an utter disre-

gard of commerce, as among the causes of that oppressive measure. It was not until some years later, that the story was made and circulated, for party purposes, no doubt, that a portion of the patriotic citizens of Massachusetts was plotting, with the agents of a foreign nation, against the unity, the peace and honour of their own country.

The charge was as vague, as it was unfounded ; and it was necessarily vague, in proportion to the absence of all evidence and proof. When this accusation was first made, it was privately and only to a few, that it might produce all the possible bad effects, which were intended, before those accused could have an opportunity to shew their innocence. When an inquiry was afterwards made both by the State and federal governments, no evidence could be furnished to lead any intelligent and impartial citizen to retain even a suspicion of the truth of the accusation.*

* On an examination of John Henry, who professed himself a British agent, before a Committee of Congress, in 1809, it was found that he had no evidence to give, criminating either any bodies of citizens, or individuals, who had engaged or proposed to engage in the dismemberment of the Union, or a purpose to join themselves to Great Britain. The most devoted friends of the national administration, who had strong prejudices against the citizens of Massachusetts and other Eastern States, declared there was no evidence of the existence of such a plot or purpose. Henry was an adventurer, and took advantage of the suspicions and prejudices of the administration to obtain money from the government. And he received \$50,000 for imposing upon the President and his Cabinet !

In 1812, when an inquiry was made by the Senate of Massachusetts, as to the past concern of Mr. Otis, who had been President of the Senate, and of Mr. Bigelow, who had been Speaker of the House of Representatives in such a project, a large majority of that Body, which was then democratic, expressed an opinion decidedly and fully exonerating them from

In January 1809, twelve months after the Embargo was laid, an additional act was passed by Congress, to enforce it under the pretence, that evasions of the first law had taken place, and that vessels, cleared out only as coasters, had carried cargoes to Europe. This act was more strict and severe, than the first law of December of 1807, in its operation on coasting vessels. The various regulations and the expences, to which the coasting trade was subjected by this statute, were so oppressive, that the people, especially, in the seaport-towns, became very discontented; and, as they had no hope of redress from Congress, they made known their grievances to the Legislature of the State. These remonstrances and petitions were very numerous, and a committee of the General Court was appointed to consider them. The committee reported the following resolutions in February, which were adopted by both branches of the Legislature.

all impropriety of conduct in relation to the subject. No one who laid aside the prejudices of party believed them, or any other public men in the State, guilty of the charge.

In March, 1812, Mr. Madison transmitted to Congress some documents "designed to prove that, at a then recent period, a British agent had been secretly employed, in some parts of the Union, and particularly in the State of Massachusetts, in fomenting disaffection to the government of the United States, and in intriguing with certain individuals for that purpose." Mr. Lloyd a Senator from Massachusetts moved that the Secretary of State be directed to lay before the Senate the names of any persons in the United States, and especially in Massachusetts, who had, in any way or manner whatever, entered into, or most remotely countenanced such a project. The President replied, "that the department of State was not in possession of any names of persons in the United States who had, in any way or manner, entered into or countenanced the project or views, for the execution or attainment of which, John Henry was, in 1809, employed by the Governor of Canada."

“That the act of the Congress of the United States, passed on the 9th day of January in the present year for enforcing an act laying an Embargo and the several acts supplementary thereto, is, in the opinion of this Legislature, in many respects, unjust, oppressive and unconstitutional,* and not legally binding on the citizens of the State. But notwithstanding this opinion, in order finally, to secure a certain and permanent relief, it is earnestly recommended to all parties aggrieved by the operation of this act, to abstain from forcible resistance, and to apply for remedy, in a peaceable manner, to the laws of the Commonwealth—That a suitable remonstrance be prepared and forwarded to the Congress of the United States, from this Legislature, expressing their opinions and feelings on the subjects of complaint, contained in the petitions of the citizens, and particularly urging the repeal of the said act of Congress, of January 9th 1809—That the Legislature of this Commonwealth will zealously co-operate with any of the other States, in all legal and constitutional measures, for procuring such amendments to the constitution of the United States, as shall be necessary to obtain protection and defence for commerce, to give to the Commercial States their fair and just consideration in the government of the Union, and for affording permanent security, as well as present relief from the oppressive measure, under which they now suffer.”

* It was also solemnly pleaded by the most learned Council, in the Courts of the United States, in cases, arising from alleged breaches of the Embargo act, that the law was unconstitutional ; and Jurors failed to give a verdict of guilty, because they considered the law improper, and not because there was want of evidence to convince them the law had been violated.

The people had become impatient, under their privations and sufferings ; and sometimes used the language of menace, which the more wise and prudent disapproved. About the time, the resolutions above recited were adopted, on the petitions of the citizens who had applied to the rulers of the State for relief, the two branches of the General Court voted to have public religious service, to unite in devout supplication to God, for deliverance and favour. They invited the Lieut. Governor and the members of the Council to attend. The latter readily joined in the service ; but the Lieut. Governor declined ; and intimated, that he considered the act hypocritical and designed for party purposes.

CHAPTER VI

Mr. Gore elected Governor in 1809.....His character and administration....
 Settlers in Maine quieted.....Mr. Gerry chosen Governor in 1810.....He
 approves the measures of the federal government.....Re-chosen for 1812.
 Adopts an exclusive political system, and denounces those who differed
 from him as to national policy.....Courts altered.....Clerks, Sheriffs and
 Registers of Probate removed from office, merely on account of their
 political opinions.....Expenses of 1811, for Representatives.

The State elections for 1809, were attended with as much spirit and activity, as on any former occasion. The people were groaning under the deleterious influence of the Embargo, and other measures unfavourable to commerce ; and the conduct of the national government was considered by the majority in Massachusetts, neither wise nor magnanimous. Christopher Gore, the candidate supported by the federal party, was elected Governor ; but not by a very large vote. He received 2,500 more than were given to the other candidates. Mr. Levi Lincoln, the former Lieutenant Governor, received the suffrages of the other political party. The government of the State was administered by Mr. Gore under the influence of the most honourable and patriotic views. But it was still a period of great political excitement ; and, on many occasions, the bitterness and rancour of party feelings were unhappily apparent. Mr. Gore had been much in public life, and was particularly qualified for the office of Chief Magistrate. Law was his

profession, and politics had long been his study.— He was federal Attorney for the district of Massachusetts, by appointment of President Washington in 1790. Afterwards he was a commissioner to England, under the treaty of 1795, to adjust the claims of American merchants on the British government, for spoliations committed on the high seas, on the vessels of the United States, in 1793. For several years, he was a Senator in the State Legislature from the county of Suffolk. He had also been the candidate of the federal party, for Governor, the year preceding.

At the session of the Legislature, in June 1808, a law was passed to favour that class of settlers in Maine, who had taken up and cultivated land without purchasing of any one, or knowing who were the real owners thereof. This description of citizens was numerous; and the reason assigned by most of them was, that it was impossible to ascertain who had a just right and title to the wild lands on which they had settled. Owing to incorrect descriptions of tracts of land purchased, several years before, and still claimed by non-residents; there were several opposing claims to almost all the wild lands in that section of the State. The settlers were sued for the lands they had taken up, by different claimants; and in many instances subjected to great vexations and expense. The law provided that the settlers should be quieted in their possessions, by paying to the true owners of the land, a sum, at which it would be valued, if then unsettled or uncultivated; or, if they preferred giving up their possession, that the persons adjudged to have the true title should pay to the occupants the amount which the improvements, in build-

ing and cultivation, had added to the worth of the land, in the market, or at a fair and impartial valuation. The law provided, that the sum awarded to the owner of the land, was to be paid within a short period. This condition was considered a hardship ; for very few of the settlers could possibly make the whole payment within the time required ; in which case, they would fail to receive any benefit from the statute. In 1809, during Governor Gore's administration, an amelioration of the act was made, and the settler was allowed more time to make payment for his land.

In 1809, several companies were incorporated, within the State, and chiefly in the county of Berkshire, for the manufacture of woollen cloths. The business had been prosecuted by some of the enterprising citizens of that county, to a considerable extent, for a few years preceeding. From the early settlement of the country, indeed, a great portion of the woollen cloths, worn by the poorer class of people, was made within the Commonwealth.—Most families, in the country towns, both of the interior and on the sea-coast, manufactured their own woollens. For every farmer was in the habit of keeping sheep, according to the extent of his lands. At the beginning and during the war of the revolution, common farmers, owning only 80 or 100 acres of land, besides clothing their own families, furnished blankets, coats and other woollen garments for the soldiers, to a great amount.

Within the period of 1790 and 1810, a considerable change took place, in the style of living ; particularly among the merchants, who had acquired large property by their commercial enterprise. More elegant dwellings were erected, and more

costly furniture provided for them. The dress and mode of living, of this and some other classes of citizens, became more expensive than it had formerly been. The opulent imitated the equipage, furniture and style of the higher orders in Europe; and many others copied the examples of their rich neighbour. This was the natural consequence of increase of property and a more general intercourse with Europe. But, in some cases, it was evident, that the style adopted was beyond the means of the individuals; and that the change was not in favour of the amount of social enjoyment.

Before the State elections took place in 1810, the general government had relaxed somewhat, in the measure of non-intercourse, and restrictions on commercial pursuits; and there was a change in the minds of a portion of the people, more favourable to the national policy. Mr. Gerry, the candidate of the democratic party, which approved of the measures and sentiments of the national administration, was elected Governor over Mr. Gore, who was again supported for the office, by the federalists. This result was a matter of triumph to the political friends of Mr. Gerry, though he received the votes of only a small majority of the people.

Mr. Gerry had been the candidate of the democratic party for Governor, on several former occasions; but did not succeed until this year. He was one of the active patriots of the revolution, and rendered great service to the State and Nation.—In 1776, he was one of the delegates from Massachusetts to the Continental Congress, and signed the declaration of independence. And he continued a member of that body for several years after;

as well as for a few years after the federal constitution was adopted. He was also a member of the convention which framed the constitution of the United States ; but had such strong objections to some parts of it, that he did not give it his signature.

The defects in the character of Mr. Gerry, as a public man and a politician, were indecision, and a yielding to the flattery or importunity of others. It was expected, that he would favour his friends and supporters ; but he, probably, did not intend when he was first elected, to give his assent to a system of proscription, by which his political opponents were to be treated as not having the common rights of citizens in the State. But his advisers, the leaders of the party, to which he was indebted for his elevation to the chair of chief magistrate, urged the adoption of an exclusive system ; and during the second year of his administration he approved of the laws, passed by the Legislature, by which offices, which had been long held during good behaviour and a faithful discharge of duty, were to be filled according to the pleasure of the Executive ; and thus, not only offices, which became vacant by death or resignation, were filled by the political friends of the Governor ; but many faithful and able officers were removed, to make way for others who would be true to the dominant party.

For 1810 and 1811, the two years, in which Mr. Gerry was Governor, the majorities in both branches of the General Court, were democratic ; so that, in most measures proposed to be adopted, there was a harmony of opinion and purpose, between the Chief Magistrate and the Legislative Body. From the time of Mr. Jefferson's acces-

sion to the Presidency of the United States, Governor Gerry had been ranked among the friends of the national administration. He probably considered President Jefferson and President Madison, who succeeded in 1809, more republican, than their predecessors were, and their policy better calculated to secure the rights and liberties of the people. In all his public communications, he spoke highly of their political conduct, and confined his favours to such as were considered their cordial and active supporters.

In his public speech to the General Court, June 1811, on being a second time chosen Governor, Mr. Gerry was direct and full in his expressions of approbation of the policy pursued by the national government; and was more explicit in his declaration of the improper conduct of such as condemned that policy, than during the preceeding year. He seemed to consider all discussions in the public papers, and all resolves passed at public meetings of the people, censuring the conduct of the national and state rulers, as a great impropriety, and as tending even to the subversion of the government.

He did not recollect, perhaps, that it was in this way, President Adams was superceded in 1801, and Mr. Jefferson placed in his stead; an event hailed, by all Mr. Gerry's political friends, as auspicious to the welfare and liberty of the people.— But in all free countries, those in opposition to the existing administration, must be allowed to exercise the right of discussing and expressing their opinions on the public conduct of their representaives and rulers; otherwise their boasted freedom is merely nominal. In all such cases, however, it is impor-

tant that the party which complains and censures, be governed by a spirit of patriotism and candour.

The dominant party in the State, had this year such a majority, that they seemed confident of retaining the power in their hands for a long period; and they concluded they might provide offices for their particular friends, without any risk of losing their hold on the favour of the people. The inferior or county courts were organized anew; and this gave an opportunity for the appointment of many of their adherents. A law was also passed giving the appointment of clerks of the Judicial Courts through the State to the Governor, whereas they had before been selected and commissioned by the judges of the respective courts; and the Governor was thereupon persuaded to remove the clerks then in office, who were of the federal party, and to appoint others in their places. Registers of Probate and Sheriffs were, likewise, generally superceded by the political friends of the Governor.

What added much to the surprise and dissatisfaction of the people generally, was, that in this political proscription, the veteran patriots of the revolution were subjected to privations and loss of office, as well as others who had less of public services to boast of. The power of a party stript several eminent characters of public office, whose conduct was without reproach, and whose services had been very great in behalf of the State, as if they had been charged with some heinous crime against the liberties or the peace of the republic.

An Act was passed, in 1811, on religious liberty, which alarmed many of the sober citizens of the State; for it afforded facilities, to such as were

disposed, to evade the plain injunctions of the constitution ; and gave far greater latitude to the people, in forming religious societies, than had been ever before allowed. Every citizen had, already, perfect liberty of conscience, in his religious worship. But under this law, a man was excused from paying the religious teacher of the town or parish where he resided, although he and his family attended upon his public services, if he chose to connect himself nominally with another society, at a distance, with which he seldom worshipped. A very few persons, also, were authorised by this Act, to form themselves into a distinct religious society, and thus were excused from all contributions in support of the regular clergyman of the town, although they were of the same faith and denomination, and their worship was conducted by one of the laity. A few such societies were formed, and served as an apology for the almost total neglect of public religious worship and instruction, by those who belonged to them.

During the same year (1811,) a Bank was established in Boston, under the particular influence of the dominant political party, and called the State Bank. Such a company was proposed in 1807, but was not then incorporated. The capital was to be \$3,000,000. A few years after, it was reduced to \$1,800,000. From the manner in which the company was formed, and the political character of the directors and proprietors, it was supposed to be designed for party purposes. But the time soon passed away, when a monied institution for such objects could be popular ; and in a few years, the State Bank became as accommodating and liberal as any others in the commonwealth.

It was at this period, that the members of the General Hospital of Massachusetts were incorporated, consisting of most of the public characters, and opulent and eminent citizens of the State. Here was no distinction of political party; and it was grateful to perceive the benevolent, the learned and the rich, of every description, uniting their efforts for the establishment of a public asylum, for the sick and the insane of the human race, who had no place of shelter and relief of their own; or who might find that medical assistance, which their insulated situation denied them. The State contributed but little, comparatively, to the funds of the Institution. The public is indebted chiefly to the liberal donations of benevolent individuals for the means of building and of supporting these Hospitals; both the one, called the General Hospital located in Boston, and the one, called the Hospital for the Insane, situated in Charlestown.*

The measures of the national government were such, at this period, that the most intelligent statesmen predicted, that a war with Great Britain was intended; and that it would probably be declared in a few months. Such an event was deprecated by the majority of the citizens of Massachusetts. For it would probably destroy a great part of the navigation of the country; and it was believed by many, that, under the guidance of a temperate and magnanimous spirit, the difficulties between the two governments might be adjusted, without a resort to hostilities. The people were ready to make sacrifices and to be subjected to great expenses in defence of their property and

* The latter has since received the name of the McLean Asylum for the Insane, on account of a large donation by John McLean, an eminent Merchant of Boston.

their rights, if war was necessary. But they were not willing to engage in open hostilities with a powerful naval nation, while there was hope of preserving peace upon just and honourable terms. When they perceived that war was meditated, many withdrew their confidence from those who approved of a menacing and hostile attitude towards Great Britain, and gave their support to those whom they believed to be more pacific in their views. All admitted, that there were disputes to be settled, and evils to be redressed; but many supposed, that good policy, at the time, required the United States to prefer negotiation to war.

It was also apprehended, that a war with England would not only be highly injurious to the commerce of the United States, but would serve to unite the destinies of France and America, the result of which would be fatal to the liberty and independence of the latter. The government of France, under a military despot, had become very insolent and unjust towards other nations; and the most intelligent citizens in the United States expressed great fears from a political connexion with that government.

The speech of Governor Gerry to the General Court, in January 1812, was highly accusatory of the federal party, for supposed anti-republican principles, and for their opposition to the measures of the general government. He represented them as attached to monarchical principles, and more than intimated that they preferred the British government to that of the United States.* The ex-

* "Are we not called upon to decide, whether we will commit the liberty and independence of ourselves and posterity to the fidelity and protection of a national administration, at the

pressions, in some instances, were so harsh as to be undignified ; and the spirit and language, in general, were not calculated to allay, but rather to increase the violence of party feelings. The speech must have been written under the full apprehension, groundless as it was, that the federal party was resolved to sacrifice the liberty and independence of the country, to gratify ambitious and selfish purposes.

Soon after this remarkable speech, the Governor directed the Attorney General and Solicitor General to examine the Newspapers published in

head of which is a Madison, supported by an executive department, a Senate and House of Representatives, abounding with meritorious patriots ; or to a British administration," [who proposed this ?] "the disciples of Bute, who wished to enslave these States, and to American Royalists, who co-operated with that government to bind us in chains, while colonists ? Is it not morally and politically impossible that a doubt can exist, in regard to the choice ?" Extract from speech of Gov. Gerry, January 1812.

It will appear strange to those, not personally conversant in the scenes and with the parties of that period, that the Chief Magistrate of the State should indulge in such suspicions and feelings ; or intimate them in public, without proof fully sufficient to justify them.

Jan. 1812—It was proposed, by a federal member of the House, and also of the Senate, to have a committee appointed to inquire and report to the General Court, what evidence there was of a British party in the State. But the motion was opposed by the political friends of the Governor ; and no committee was raised for the purpose, and no inquiry was ever made. It better served the purpose, of those who made the accusation, to deal in suspicions and dark suggestions than to have a full statement of facts. It was also believed, that the charge of an undue attachment to England against the federal party was intended merely to rebut or to keep out of sight the charge of too great partiality for France, which had been made as early as 1793 and 95, against the anti-federal party and the opposers of Washington's Administration.

the Capital, and report to him the number of libellous publications which they contained.* He also wrote to Mr. Parker, a Justice of the Supreme Judicial Court for a copy of his charge to the Grand Jury, delivered at the opening of that court in Suffolk, in November preceding. The Judge had stated to the Jurors what constituted a libel; for several pieces had appeared in the public papers, which were supposed to be of a libellous character. The definition and the explanations of the learned Judge were not altogether agreeable to the political friends of the Governor; and he was, therefore, persuaded to this course, and to request a copy of the charge to lay before the General Court. The Judge, in reply, very properly expressed his belief, that he was not responsible to the Governor for his opinion; and that the Judicial department was wholly independent of the Executive. He, however, directed that the manuscript, containing the original speech should be furnished.

This conduct of the Governor was generally, considered improper, as he had no constitutional authority to interfere with the opinions of the Judicial Court, nor was he constituted by his office, a Judge of the correctness of legal decisions. Many were alarmed at this attempt to overawe the Judges of the highest judicial tribunal in the State, in the perfect independence of which the

* They reported 252 libels; 99 in the Scourge, a small and obscure paper: 50 in the Centinel; 38 in the Gazette; 37 in the Repertory; 8 in the Chronicle; and 2 in the Patriot. The intelligent and independent Editor of the Centinel publicly called upon the Attorney General and the Solicitor General to detect a single libellous expression in his paper, *unless the truth were a libel.*

liberties and rights of the people were involved. What added to the apprehension was, that the call upon the Judge for his opinion on libels issued at the time the Governor denounced a moiety of his fellow citizens, as being more attached to a foreign government than to their own.

A few days before the General Court was adjourned in February 1812, the Governor sent a message on the subject of libels; and while it was under consideration, a federal member of the Senate offered this resolution—

“That the Governor, in denouncing by message various publications in the Boston Newspapers, as libels, especially after a Grand Jury, upon an examination of some of those publications, had refused to find bills of indictment, manifests an alarming disposition to usurp the power belonging to the judicial department, tending to criminate and injure the reputation of individuals, without affording them an opportunity of defence; and that the employing of the law officers of the Commonwealth in examining files of newspapers, for the purpose of collecting and divesting such publications, with a view of presenting them to the Legislature, instead of a Grand Jury, *is a departure from his constitutional province*, and an infringement upon private rights.”

In support of the resolution, it was said “that the message was most extraordinary and alarming; striking at the fundamental principles of the constitution and of civil liberty; tending, if suffered to pass into a precedent, to break down the barriers enacted by the constitution for the safety of the whole people, and to destroy all personal liberty and security—That if the Governor could

thus put at defiance the privileges of trial by Jury, and with his law officers, dependent on himself, set in judgment on the printers, condemn them unheard, and proclaim their condemnation to the world, after the Grand Jury had refused to find bills against them ; no class of citizens were safe ; all must be liable to the same arbitrary exercise of power.”

CHAPTER VII.

Caleb Strong elected Governor in 1812.....His Council.....Extracts from his Speech.....Restoration of civil officers who had been removed.....War declared by the United States against Great Britain.....Unpopular in Massachusetts.....Memorial and address of the House of Representatives.....Requisition for the militia.....The Governor declines calling them out.... Opinion of the Judges of the Supreme Judicial Court.....Different opinions on the Governor's conduct.....Rights of the militia.....Constitutional power of the President over the militia.....Opinions of Chief Magistrates of other States.

The feelings and disputes of the two great political parties in the State were, perhaps, at this period, more excited and bitter than at any time from the commencement of these unhappy divisions.—No doubt, individuals of both parties were blamable in this respect. Crimination produced recrimination, and each represented the other as bad members of the republic, and as enemies, either designedly or ignorantly, to the welfare of the Commonwealth. It was the duty of those in places of power and influence, to allay the passions of the disputants; but, in some cases, they seemed desirous to excite and increase them.

In this agitated state of the public mind, the more discreet and moderate citizens were inquiring who ought to be selected for Chief Magistrate of the Commonwealth. The voice of the majority, so far as it could be heard, was in favour of Caleb

Strong, who had been formerly Governor, for several years; and whose administration had been generally considered prudent, wise and salutary. He was known, at this time, to be in favour of a pacific policy, as he was under the Presidency of Washington, in 1794 and 1795. He had great political experience; and in his character, united firmness with moderation.

Great exertions, therefore, were made by the federal party to bring in Mr. Strong as Governor, in 1812. Nor did the citizens of the democratic party relax at all in their efforts, to effect the re-election of Governor Gerry.* The result was in favour of Mr. Strong; and the popular branch of the General Court was also composed of a federal majority. The Senate, however, still had a majority of democratic members.

This political phenomenon was accounted for, by referring to the manner in which the State was districted, for the election of Senators, during the preceding year, under the administration of Mr. Gerry. A new and arbitrary division of the State into districts was made, for the purpose of securing the election of democratic Senators; when, according to the former and natural division, those of a different political character would, probably, and almost certainly, have been chosen. Thus it happened, that while the House of Representatives contained a large majority of the federal or *peace* party, the greater number in the Senate were of a different political character. Before the Senate proceeded to any public business, Mr. Otis, a member from Suffolk, protested against the unconstitu-

* Governor Gerry was, afterwards, in 1813, chosen Vice President of the United States.

tionality of the late districting law, for the choice of Senators. But no discussion was had of the subject ; for the majority differed from Mr. Otis, and no doubt would have voted down any formal motion he or his friends had made. But any one, who had not approved of the law, for the sake of political ascendancy, or whose party was not benefitted by it, must have perceived its great impropriety and injustice.

Governor Strong was aided and supported in his administration, at this time, by a council composed of citizens, eminent for wisdom and probity, and enjoying, in a high degree, the public confidence.* But the Governor and Legislature could do but little to preserve peace, if the national rulers were resolved upon war; except, by remonstrances or reluctant service, they should show the disapprobation of the State as to the policy of the general government. They might withhold all voluntary and gratuitous aid, if they considered the war unnecessary or inefficient. In any other way, they could not oppose the measures and purposes of the national rulers, without a violation of the principles of the federal compact. And yet the unreflecting part of the community, which is not always a very small part, seemed to suppose that a federal administration in the State would produce immediate prosperity. It might, however, prevent the accumulation of public evils, if it could not effect positive public good.

* William Phillips of Boston, was the Lieutenant Governor and senior member of the council. General David Cobb, who had been Lieutenant Governor two years before, and a field officer in the war of the revolution ; General John Brooks, who was also a Colonel in that war ; and William Prescott of Boston ; were also members of that Body.

The Speech of Governor Strong to the Legislature, delivered soon after his induction into office, the last of May, 1812, indicated the principles and spirit, by which he would be governed in his public conduct. In his administration of the government of the State, several years before, he had given proofs of prudence and moderation, as well as of decision and firmness, in the exercise of his own legitimate authority. As Chief Magistrate of the Commonwealth, he never encroached upon the rights of any other department of the government, and though sufficiently firm, in adhering to his own opinions, he was ready to exercise candour and good fellowship with those who differed from him. If any part of his speech, on this occasion, was intended as a rebuke on the uncandid criminations of his predecessor in January preceding, or on the political intolerance, which had been exercised during the former year, it was in such just and moderate terms, that no one could express his disapprobation of it, without proving himself an advocate for party violence and strife.*

“Our constitution,” said the Governor, “forbids any exclusive pretension to the honours of the State. Every class of men are entitled to partake

* In evidence of a belief, that Mr. Strong would be moderate and dignified in his political course, the following extract of a letter from Mr. L * * * * then a Senator in Congress, from Massachusetts, may be given—“I expect to see a communication to the Legislature, from a highly respectable, correct and dignified Chief Magistrate, replete with sentiments of moderation and firmness, of rational liberty, of patriotism and self-respect ; which, heretofore, under the same administration, have been the characteristics of the venerable State of Massachusetts, the Almatrater of the liberties and independence of the American republic.”

of the same advantages, and have an equal and common right. If this is infringed, we may be sure, that sentiments of discontent and animosity will prevail. We ought indeed, to select persons of ability and integrity for public employments. But if we make it a rule to advance only our political friends, we shall become the heads of a party, and be incapable of preserving, with equity and moderation, the rights of the whole people.

“ In monarchies, the prince is the source of all power, and the fountain of honour and office. He, therefore, thinks himself authorised, in appointing his subordinate officers, to reward the attachment and to purchase future support of his adherents. But, in Republics, the people are possessed of the sovereign power: and Legislators and Magistrates, elected by them, are bound to employ their authority for the common benefit. They have no right to consider the power, deputed to them, as their own property; or to make vacancies or appointments, for selfish or party purposes. Should a contrary rule be established, it appears to me, that political feuds would be endless and implacable. The persons in office, and their friends and retainers, would employ every method to prevent any change in an administration; while their rivals would be equally assiduous and eager to effect a change. From the frequency of our elections, there would scarcely be any interruptions, in these struggles; and the longer they should continue, the greater would be their violence.”

The Governor submitted to his council the propriety and expediency of restoring those persons to office, in the State, who, during the preceding year had been arbitrarily removed, solely on ac-

count of their political opinions. The council advised that it was proper, and that justice required, such persons should be restored to the respective offices, of which they had thus been deprived. Accordingly, the Sheriffs, Clerks of Courts, Registers of Probate, and other public officers, holding commissions under the Supreme Executive of the State, were re-appointed to the offices, which they held, at the beginning of the former political year.

The calamity, which many had long feared and predicted, from the strange policy of the federal government, was visited upon the country in June 1812. War was solemnly declared against Great Britain, by Congress, on the 17th of that month: But the majorities were small, in favour of the measure, in both branches of the National Legislature.* The intelligence reached Boston, on the 23d. while the General Court was in session. The Governor immediately communicated it officially, to the Representatives of the people. The House of Representatives prepared an address to their fellow citizens, regretting the event and expressing their opinion of its impolicy and inexpediency. They were of opinion, that negotiation would have been the most proper and effectual way to obtain redress for any wrongs the United States had suffered; and that there was a disposition, in the British Government, to adjust existing difficulties, on equitable and honourable terms. The Senate, at the same time, adopted and published an address to the people of the State, approving of the war, and

* It was also said, by those who had an opportunity of forming a correct opinion on the subject, that President Madison was not in favour of war, but was urged to it by some of his political friends.

declaring, it in their opinion, just and necessary. The House, had, at an early day of the Session, and before war was declared, forwarded a memorial to Congress, in favour of peace and deprecating the evils of war with England. The memorial was approved by a vote of 406 to 240. The address to the people, published after the declaration of war, was adopted by a similar majority.

This vote in the House of Representatives was, probably, a just indication of the opinion of the whole body of the people in Massachusetts, relating to the policy of the war of 1812. Three fifths of the citizens, perhaps, a greater proportion were opposed to a war with Great Britain, both before and after the formal declaration of it by Congress. The people generally, believed all wars improper, which were not necessary for maintaining the liberty and independence of the country.

The war was also unpopular in other parts of the United States. There was a belief, with many patriotic and intelligent men, in various parts of the country, how well founded, it would be difficult to decide, that the measure was owing, in a degree, to a disposition in the national rulers to keep in favour with the French Emperor, who had undertaken to dictate the policy of the United States; and that, if war could not be avoided, both with France and England, there were stronger reasons for engaging in it against the former, than against the latter, as the American Merchants had suffered most by French depredations, without receiving any reparation, and the British had always appeared willing to settle all national disputes by negotiation. It was also considered, that a war must be a great burden upon the people, for

many years, whilst there was yet a heavy debt of the nation to discharge. This consideration would not have much weight, indeed, with any portion of the people, in a question of independence, or of right: But where the absolute necessity of war did not appear, and there was reason to believe, that negotiation might have given to the United States all which a war could procure, it must have had an influence with the more prudent and patriotic citizens.

At this Session of the Legislature, the characters of most of the Banks in the State were renewed, and extended to October 1831. This term of time was fixed, because some of the Banks, already incorporated, would continue to that period, and it was thought proper to place them all on an equality. Several of these banking companies would expire during the year 1812. By the new acts of incorporation, most of the Banks were altered, both as to privileges and liberties, with a view to have them founded on and governed by the same principles. They were made liable to pay an annual tax of half per cent. for ten years; amounting to \$16,000, which was to be appropriated to the funds of the several Colleges in the State. The distribution was as follows—To Harvard, 10,000; to Williams, and to Bowdoin, \$3000, each.

Early in the year 1812, Congress authorised the President of the United States to order a detachment of one hundred thousand of the militia; and in April, the Governor of Massachusetts was requested to detach ten thousand, the portion allotted to the State. Orders were accordingly

issued,* but no returns were made for four or five months, nor until further directions were given for the purpose. This was chiefly owing to new arrangements, and the forming of new divisions of the militia during the preceding year. Generally, the militia of Massachusetts had been well regulated and organized, for many former years. Some days previously to the declaration of war, Governor Strong received notice from the war department, by a letter dated 12th of June, that the militia, before requested to be detached, would be called for, to be placed at the disposal and under the command of a military officer in the service of the United States. This was considered an extraordinary demand. For the law of Congress, authorising the President to order out the militia, was founded in the clause of the constitution, which gives the National Legislature power to provide for calling them out to repel invasion, (otherwise, indeed, the law itself would have been unconstitutional;) and it was plausibly, if not justly argued, that the militia could not be rightfully called upon, except the country was really invaded, or there was imminent and immediate danger of an invasion.

On the 22d of June, and before the Governor had received direct and official intelligence of the declaration of war, by Congress, against Great Britain, Major General Dearborn, who had been recently appointed to command the few regular troops of the United States, then stationed within the limits of Massachusetts, made a requisition, by authority of the President, for forty one companies

* The militia thus to be detached were to make three divisions.

of the detached militia ; proposing to march eight companies to Rhode Island, for the defence of that State, and to station the others, at certain places within the State of Massachusetts. But in this arrangement, many ports and towns equally exposed as any others, if the State were really then in danger of invasion, were left unprovided. To this requisition, Governor Strong made no reply. He was in doubt, whether the exigency had occurred, mentioned in the federal constitution, to justify the President to call the militia into actual service of the United States. The day following the request of General Dearborn, he had, indeed, received information, through one of the Senators in Congress from Massachusetts, that war had been declared : But there was no invasion of the State ; nor was there any danger of an invasion for three or four months, whatever might thereafter be the movements of the enemy.

This was a subject of such a serious nature, as to principle and right, as well as to the consequences of a decision, that a character like Governor Strong, who was superior to all party considerations, and was sincerely desirous of acting correctly, in his responsible station, was not to be expected to determine upon his course, except after the most deliberate and mature consideration. And it was so, in fact ; for the Governor discovered extreme anxiety to weigh, impartially, all the circumstances of the crisis, and to ascertain what was his duty, as the Chief Magistrate of the State, sovereign and independent, in many respects, and yet forming a part of the great national, federative republic. His hesitation was not the effect of timidity, or of an intention to oppose the measures and

laws of the federal government; but it was the natural effect of the most ardent and elevated patriotism. Judging from his public speeches, and from all his declarations on the subject, it is evident, that the Governor was actuated by a sincere desire to fulfil the duties of his high station, both to the Commonwealth and to the Union. The peculiar circumstances of the occasion rendered his situation a novel as well as a delicate one. He was bound to preserve the rights of the militia of Massachusetts, as well as to comply with the just requisitions of the federal or national rulers; and whether their requisitions were constitutional and just, he was inclined to believe, it was his prerogative to judge.

On the 26th of June, General Dearborn renewed his call for the militia of Massachusetts, to the number and for the purpose before required.

The Governor still declined calling out the militia; but issued a general order, on the 3d of July, as commander in chief of the militia of the State, (a copy of which, he directed to be sent to General Dearborn,) requiring them to be in preparation to march, at the shortest notice, to any place of danger, for the defence of the inhabitants, as they might be directed by their immediate officers, whether commanders of divisions, brigades, regiments or battalions.* The militia officers of these grades were authorised and expressly enjoined, by the Governor, in this order, to see that the men were equipped, and to march them wherever and whenever danger should exist, within the State. He also gave orders for completing the detachment required in April, and for having the returns

* See Appendix.

made to the Adjutant General without further delay. To command the militia, thus detached, if called into actual service, he designated three Major Generals, who had been officers in the war of the revolution.

By direction of the President, the Secretary of War addressed another letter to Governor Strong, dated July 15th, urging him to order out the militia of Massachusetts, as requested by General Dearborn, and stating "that the danger of invasion had increased, since the date of his former note," which was several days before the declaration of war, when there was, in fact, no danger of invasion whatever. For there was no pretence, that the British were meditating an attack on the United States, or were desirous of a war with this country. However unjust or arbitrary the conduct of that government had been, in particular instances, there was no doubt of its wish to keep peace with America.

As an additional reason for calling the militia, immediately, into the service of the United States, it was also stated, "that the regular troops, stationed in the forts on the sea-board, were ordered to the North-Western frontiers, and that the towns and people on the coast would require other protection." General Dearborn, who was the military chief in the district, in which Massachusetts was included, gave the same reason, in another letter, to the Governor, of July 15th, requesting him to order the militia into the service of the United States. And soon after, he left the sea-board of Massachusetts, with most of the regular troops in the forts, and marched them to the borders of Canada. Governor Strong again declined ordering the militia

into the service of the United States, in the manner requested ; and seemed to rely, for the protection of the State, in case of invasion, on a compliance with the order of the third of July, by the whole body of citizens, both officers and men. The reasons, which induced him to adopt this system, with reference to the militia, though he probably acted with the advice of his council, are given in a letter, which he sent to the war department, bearing date August 5th.

“ I received your letter, of the 15th, of July, at Northampton, and the day following set off for Boston.* The people of Massachusetts appear to be under no apprehension of any invasion. Some towns on the sea coast have, indeed, applied for arms and amunition, and they have been supplied, in the manner they were furnished in the war of the revolution. But they express no desire, that any of the militia should be called out for their defence. You observe that the danger of invasion has *increased*. But it can hardly be supposed, that if this State had been in great danger of invasion the troops would have been called hence, to carry on *offensive* operations in a distant province. The opinion generally prevailed, that the Governor had no authority to call the militia into actual service, unless one of the exigences, contemplated by the constitution, exists. I therefore, thought it expedient to call the council together ; and having laid

* When Governor Strong left Boston, in July, to visit his family at Northampton, for a short time, a committee of the Council was appointed, consisting of the Lieutenant Governor and two other members, one of whom lived in Boston, and the other in the vicinity ; to give notice to the Governor and the other members of the Executive Council, if any important event should occur, requiring a meeting of the Board.

before them your letter and those received from General Dearborn, I requested their advice on the subject of them. The Council said, that they could not see that the exigency existed ; and they advised me to ask the opinion of the Justices of the Supreme Judicial Court of the State, on these two questions—whether the Commanders in Chief of the Militia of theseveral States, have a right to determine, whether any of the exigencies, contemplated by the Constitution of the United States, exist, so as to require them to place the militia in the service of the United States, at the request of the President ? And, whether, when either of the exigencies exist, authorising the employment of the militia, in the service of the United States, the militia thus employed, can be lawfully commanded by any officer, but of the militia, except by the President of the United States ?”*

The Governor proceeded to state, in the letter to the Secretary of War, that an application had

* The opinion of the Judges, on the first question, was, that the Commanders in Chief of the militia of the several States, had a right to judge whether the exigency existed, which would authorise the President to call the militia into the service of the United States, according to a provision of the federal constitution. But, on the other point, they were not so explicit. They declined giving any opinion, as to the comparative superiority of rank between officers of the militia and of the United States troops. They believed the President had the right to appoint officers to command any detachment of militia, in his stead ; but they were also of opinion, that the militia ought to be kept distinct from regular troops, and that it was their just right to insist on being under the immediate command of officers chosen by themselves.—It may be proper here to mention, that, in 1794, when President Washington called for a part of the militia of Pennsylvania and Virginia, to suppress a daring and formidable insurrection, which had taken place in Pennsylvania, they were under the immediate command of the Governors of those States.

been made to him from the inhabitants of Eastport and vicinity, on the Eastern boundary of the State, and near Passamaquoddy Bay, for arms and also for three companies of militia, for the protection of those frontier towns; and that, believing their situation peculiarly exposed, at that time, being but a short distance from New-Brunswick, he had complied with their request. The people in that quarter were supplied with munitions of war, as desired; and three companies of militia from the county of Hancock, where no attack was then apprehended, were ordered to Eastport for the protection of the place. The Governor also gave notice, in this letter, that these companies would be placed under the command of an officer of the United States.

He adds—"I have no intention, officially, to interfere with the measures of the general government; but if the President was fully acquainted with the situation of this State, I think he could have no wish to call the militia into service, in the way proposed by General Dearborn. He proposes, that the militia should be stationed at only a few of the ports and places on the coast. From other places (according to his plan) a part of the militia were to be called away. This would increase their danger, and diminish their power of resistance.—The whole coast of Cape Cod is exposed, as much as any part of the State, to depredations and invasions. A part of the militia, according to his orders and proposals, must be removed from their homes; and yet no place in that part of the State is assigned as a rendezvous for the militia. Every harbour or port within the State, has a compact settlement; and generally, the country around the harbour is populous. The militia are well organ-

ized, and *would prefer to defend their own firesides in company with their friends, under their own officers, rather than to be marched to a distant place, while strangers might be introduced to take their places at home.*"

The sentiments and views of Governor Strong, as to the requisition for the militia, by order of the President of the United States, are also fully developed, in his speech to the Legislature, at the session held in October following, when he gave a particular statement of his correspondence with the officers of the federal government; and of his proceedings subsequent to the call for the militia. "I presumed, if this State was in danger, that the regular troops would not have been ordered to the North-west frontiers; and, if they were so ordered, that the militia were not liable to be called into service and stationed in the forts of the United States, to do garrison duty, when no danger of invasion appeared.—I have been fully disposed to comply with the requirements of the constitution of the United States, and the laws made in pursuance thereof; and sincerely regretted that a request should be made, by an officer of the national government, to which I could not constitutionally conform. But it appeared to me that the requisition aforesaid was of that character; and I was under the same obligation to maintain the rights of the State, as to support the constitution of the United States."*

* When the act of Congress was passed, providing for calling the militia into the service of the United States, by the President, a special reference was made to the exigencies mentioned in the constitution; and he was authorised by the law to exercise this power only when such exigency occurred. Was it

The Governor was condemned and censured at the time, by the friends of the existing administration, and, at a subsequent period, by some of his own political party, for declining to order the militia into the service of the United States, as he was requested. They believed the President should have the entire disposal and controul of the militia, in time of war. But the position assumed by Governor Strong has been often avowed since, that the State authority has a right to judge of the meaning of the constitution, as otherwise, the people may be subjected to unconstitutional laws, and the separate States be deprived of all sovereign and independent power. This doctrine has been, recently, expressly asserted and advocated by the ancient and respectable State of Virginia, and it was advanced, in 1812, by Governor Griswold of Connecticut.*

not a great assumption of power, then, to call for the militia before war was declared ; or immediately after, when there was no invasion, and none soon expected ? Was it "moral treason," in the State authority to question the constitutional right of the President, to require the service of the militia in such a situation ?

* Whether Governor Strong's objections were grounded on a just construction of the constitution, or were warranted by its spirit, his sincerity and patriotism were never doubted. He issued a proclamation for a public Fast, at this time ; which, though criticised by a few, was highly creditable to him, as a patriot and christian. (See Appendix.)

It may not be out of place here to refer to the opinion of two distinguished Statesmen of Massachusetts, given some time after the war of 1812, and when party feelings, probably, had little influence on the judgment. In 1817, when pleading for the allowance of the claim of the State on the general government, for expenses incurred during the war, Mr. Lloyd said, "The admission of the doctrine, to the full extent, that the Ex-

In the month of August, Captain Isaac Hull, who commanded the United States Frigate *Constitution*, attacked and captured an English Frigate; and soon after came into the port of Boston, where he was received by all classes of citizens, with the most enthusiastic greetings. They invited him to a public dinner on this occasion, which was attended by all the respectable merchants of the town, and by public officers, both of the State and Nation. This was a very brilliant victory on

Executive of the Union is to be the only judge of the exigencies, in which the militia is to be called into the service of the United States, at the time and in the manner which he may think expedient—that the militia can, by the junction of a large number to a few regular troops, be in fact officered by the United States—and that the Executive of the several States, contrary to their own belief in the existence of such emergency, should be obliged to bow before this tribunal, erected in the breast of a single individual, and to yield implicit obedience to such an opinion, must place them at the mercy or disposition of any future tenant of power; strip the individual States of their physical as well as their fiscal force; and scarcely leave a remnant of that self-dependence, which some of them, at least, suppose they had obtained.”

In adverting, incidentally, to this subject, Mr. Otis, in a public letter, says, “If the President has the right, not only of deciding upon the existence of the constitutional contingency, which is to justify him in calling out the militia, but also of appointing his *Prefects* to command them, he possesses the power, at any moment, of converting the whole militia of the nation, into *Pretorian cohorts*. This is a tremendous power, and an awfully pregnant question, which it is not our purpose to discuss. It is a question about the power of the sword, which settles all other questions. If it is *clear* the President has it, be it so. But is it so *clear*, that all doubt must be precluded? Is it so *clear*, that hesitation becomes a crime? Was the retention of the command by the Executive of the State, under the circumstances of the case, equivalent to an obstruction of the laws, a paralyzing of the means and agents of the government? It cannot be pretended. The orders of the government were carried into effect, though not by its own appointed organ.”

the part of the United States Navy. The Frigate was built in Boston ; and both the political parties, unhappily divided on many other subjects of a public nature, rejoiced in the reputation and success of the gallant naval commander.

The Governor of Connecticut adopted a similar course to that pursued by Governor Strong. In a letter to the War Department, stating the considerations which induced him to decline calling out the militia, at the time proposed, he said, "I am disposed to execute every constitutional requisition from the general government ; but I am not willing to execute an order which I consider repugnant to the constitution." This shews, that he believed he had the right to judge whether the exigency mentioned in the constitution, existed, or not.

CHAPTER VIII.

A reference to the arguments for and against the course pursued by the Governor respecting the militia.....Electors of President and Vice President of the United States.....Governor's Speech in October 1812.....His reasons for not calling out the militia.....Representatives approve of his conduct in this respect.....Extract from their reply to the Speech of the Governor.....Loan proposed.....Charge of plotting to destroy the Union.....Opinions expressed on the subject.....Declarations of Virginia and Kentucky.

The subject referred to in the former chapter, as to the constitutional power of the general government, or of its Chief Executive officer, over the militia, is certainly, a very important one; and should never be attempted to be settled in a time of political excitement, when reason and argument are in danger of being unperceived through the mists of prejudice and passion. When the country is invaded, or there is danger of an immediate invasion, no one would deny the authority of the President of the United States to order out the militia for defence. But to call the militia (or, in other words, the independent citizens of a State) into service for a long period of time, and thus to subject them to the duties and hardships of regular troops when no invasion was made nor justly feared, is a very different case. The doctrine contended for by the national administration, at that time, went to this extent, that the militia were lia-

ble to perform military duty, proper only for regular troops, according to the direction of the President or that of his subordinate officers. This, it was believed, the federal constitution did not intend; and would also be depriving the militia of their distinctive character, and of the privileges and liberty, which they had always enjoyed, even by authority of law. It is important therefore that a question, in the solution of which every citizen is deeply interested, should be deliberately settled in a time of peace, and before another war shall arise, to afflict the country.

The Governor however gave proof, of a disposition to protect the citizens from invasion, and to order out the militia, in cases of real danger, for the defence of the country. This was manifested, in calling on the militia to march to Eastport, where the people were not only alarmed, but in danger of an attack; and in furnishing the means of defence to the citizens in other sea-port towns. It was generally believed, and probably, not without good reason, that the Governor considered the war, in some measure, unnecessary, and was therefore, reluctant in giving it any gratuitous support. But this did not prevent him from devising plans and furnishing means for protecting the people of the Commonwealth. When he declined placing the militia under the command of officers, and in the service, of the United States, at an early period of the war, he did not suppose the State would suffer by his non-compliance with the request to order them out, as proposed. There was then indeed, no danger of invasion. He doubted the right of the President to demand the service of the militia, in the existing state of things; and he would

do nothing in dereliction of the legitimate authority of the State, or in violation of the rights of his fellow citizens. He considered himself the legal guardian of the militia of the State, and the protector of their rights and privileges. He was convinced also, that the State would be more effectually defended by arming the people and calling them out only when there was actual danger of invasion, than by having them placed in the forts of the United States, or embodied for some time, after the manner of regular troops, when no just cause had occurred to require their service.

It will be readily believed, that in such a situation of public affairs—the State exposed to hostile attacks, though there was no apprehension of immediate danger—the national rulers demanding the service of the militia, when the constitution did not appear to authorise it—marching their regular troops out of the State, and leaving it defenceless, excepting so far as it would be protected by its own citizens—complaining, too, of the conduct of the Executive of the State, as if it were justly chargeable with a neglect of duty towards the United States—the people, thus deserted and exposed, calling for means of defence, and the citizens looking to him for protection of their rights and deliverance from threatening calamities—In such a situation, the Governor could but feel his responsibility, and be deeply sensible of the extensive public duties which devolved upon him. To acquit himself, in this critical posture, to the entire satisfaction of all his fellow-citizens, he could hardly expect. But, although he was not indifferent to the approbation of his fellow-men, he was evidently most solicitous to fulfil, with fidelity and if possi-

ble, with success, his high public duties to his constituents and to the Commonwealth. He never wavered in his course, through timidity or a wish for popular favour. His moral courage was equal to any crisis, or any censures. Yet he was desirous of learning the opinions of intelligent men, and of conforming to public sentiment and feeling, as far as his own convictions of propriety and right would permit. His letters to the officers of the United States discover a conciliatory spirit; and his communications to the Legislature were calculated to allay party feelings, and to persuade them to prudent and temperate measures.

Those who contended for such a power in the President over the militia supposed it might be found by implication at least in the constitution: and said, that if the President had a right to command and controul the militia, in time of actual invasion, he ought to be able to call them into service, if an invasion were possible, or might take place at a very distant period; because the country ought to be seasonably prepared for an attack; and if known to be prepared, the enemy would not be so ready to invade. On the other hand, it was said, that the constitution gave this power only in time of invasion; and that such construction only, comported with the character and rights of the militia. For they were liable to be called into military service merely for defence, and only in cases of sudden and unexpected attack, when regular troops could not be collected. A different doctrine and a different construction of the constitution, it was argued, would put the militia entirely in the power of the President, to march to any places, and to require service of them for any period he might please.

The act of Congress, which provided for calling the militia into the service of the United States, it was said, expressly referred to the exigency, on the existence of which the constitution authorised such a call ; and if the militia might be required, under any other circumstances, it would be transcending the power given both by that instrument and the law passed on the subject. If the militia were called out, when an attack was made, or the danger of invasion was imminent, and were kept in preparation to march for the defence of any place, which should be threatened, it was said, that all the military duty and service, which could be justly required of them, would be performed. The majority of citizens in Massachusetts, among whom were some whose political opinions were not favourable to Governor Strong, approved of the measures of the Chief Magistrate at this critical period.

An extra session of the Legislature was holden, in October, (1812) to adopt a mode for the choice of Electors of President and Vice President of the United States, which was omitted at the June session. The political character of the majority of the Senate was different from that of the House of Representatives ; and the two branches did not agree upon any method for the appointment or choice of Electors. Nor did they now decide in what manner the Electors should be chosen, till after a good deal of discussion, and several modes proposed had been rejected. A resolve was, at last, adopted, for choosing them by the people and not by the Legislature ; and the Commonwealth was divided into six districts for the purpose. The counties of Suffolk, Essex and Middlesex, composed

one district and chose five Electors ; Worcester, Hampshire, Berkshire, Franklin and Hampden formed a district, and chose six ; Plymouth, Norfolk, Bristol, Barnstable, Nantucket and Dukes were made a district and chose four ; York Cumberland and Oxford chose three ; Lincoln, Kennebec and Somerset chose three ; and Hancock and Washington chose one. When the Electors met in the month of December,* they gave their votes for Mr. Clinton of New-York, for President : But Mr. Madison was re-elected, by a great majority of votes given in by the whole United States.

At this session of the Legislature, the Governor gave a particular statement of the measures he had adopted, subsequently to their adjournment in June, in relation to the requisition for the militia, by the officer of the United States. He mentioned the reasons, which induced him to decline calling them into service, as had been proposed by an agent of the federal government ; and expressed his doubts, both of the constitutional power of the President to call for the militia, under the circumstances of the case, and of his own authority to order them into the national service, in the manner required. Some paragraphs from the Governor's Speech, on this occasion, have been already quoted.† Some others are here given, to disclose more fully his sense of the impropriety of his co-operating in the

* The Electors who were chosen belonged to the federal or peace party ; and received 25,000 votes more than were given to the candidates proposed by those who approved of the war and were the political friends of the national administration, at that time.

† See page 139.

plans of the national administration and its agents, as to the militia.

“General Dearborn plainly supposes, that in consequence of the act declaring war, he was authorised, by virtue of the power given by the President, to require any part, or even the whole of the militia to be called and marched to such places in this and the other States, as he may think proper. If this construction of the constitution is correct, then the President and Congress will be able, at any time, by declaring war, to call the whole of the militia of the United States into actual service, and to march them to such places as they may see fit : and to retain them in service as long as the war shall continue.

“Heretofore, it has been understood, that the power of the President and Congress to call the militia into service was to be exercised only in cases of sudden emergency ; and not for the purpose of forming them into a standing army, or of carrying on offensive war. But according to the above construction, the right to employ the militia is made to depend, not upon contingencies, which the national government might be unable to foresee, or to provide against ; but upon its own act ; upon the existence of a state of war, which the government has a right to declare, and to continue as long as it may think proper.

“Although many of the most important attributes of sovereignty are given, by the federal constitution, to the government of the United States, yet there are some which still belong to the State Governments. Of these, one of the most essential is the entire controul of the militia, except in the exigencies above mentioned. *This has not been*

delegated to the United States. It is therefore, reserved to the States respectively. And whenever it shall be taken from them, and a consolidation of the military force of the States shall be effected, the security of the State Governments will be lost; and they will wholly depend, for their existence, upon the moderation and forbearance of the national government.

“War is so dreadful in its effects and so destructive to human happiness, that the law of nature allows of it only in the utmost extremity; and requires, that when it is resorted to, the persons engaged in it shall endeavour to mitigate its horrors as far as their safety will permit, by the exercise of justice and humanity. These principles of the law of nature are confirmed by the precepts of the christian religion.

“Whatever sentiments may prevail among the people of this State, concerning the justice or expediency of the present war, I hope and trust, that they will perform the duties enjoined on them by the constitution and the laws; and that they will do nothing to obstruct the government in the constitutional measures it may think proper to adopt.”

The majority of the Representatives fully approved of the conduct of the Governor, with regard to the requisition for the militia, as appears by the following paragraph from their answer, at that time.

“We have witnessed with great satisfaction, the course which your Excellency adopted and pursued, in regard to the requisition of General Dearborn, for a portion of the militia of this Commonwealth; and it is due to your Excellency to declare, that the conduct of the Supreme Executive, upon this interesting subject, has met the unquali-

fied approbation, not only of this House, but of the great body of the people. While, on the one hand, it has discovered a sincere desire to comply with the requisitions of the constitution of the United States, and the laws made in pursuance thereof, it has equally evinced a determination to protect the citizens against all unconstitutional encroachments, and to maintain the rights of the State, as secured and recognized by that constitution. By the constitution, Congress are wisely entrusted not only with the right of declaring war, but with the power of raising such forces, both by sea and land, as may be necessary for its vigorous prosecution. By a discreet and judicious exercise of these important powers, the national government may, at all times, place themselves in such a state of preparation, as to render the aid of the militia unnecessary in the commencement of an offensive war, deliberately declared by themselves; and the power to call the militia into service, was never to be exercised, except in cases of sudden emergency, or for the purposes of defence; certainly, not with a view of forming them into a standing army, or to prosecute a war of conquest. Any other construction of the constitution, than that which your Excellency has adopted, would expose the citizens to be torn from their homes, whenever the general government might think proper to declare war; and to be retained in the United States service, as long as the war might continue; while, by thus depriving the Commonwealth of all its means of protection and defence, every essential attribute of state sovereignty would be completely destroyed. The people of Massachusetts have never surrendered to the general government, the power to call

forth the militia, except to execute the laws of the Union, suppress insurrections and repel invasions; and whenever this call is made, it is not only the right of the Commander in Chief, but his solemn duty to determine, whether either of these cases exists. The citizens of the Commonwealth will long cherish grateful recollections of the independent and faithful manner, in which your Excellency has discharged this important trust.”*

On the part of Great Britain, the war was a defensive one, and probably, unexpected. Canada was early invaded by the United States’ troops; and the Province was fully occupied in measures of defence and safety. No invasion was made, or threatened, during 1812, by the enemy; and the militia, therefore, were not called out, except a few companies at Eastport. Great exertions were made, however, by their respective officers, to arm the militia, and have them in a state of preparation and readiness to *repel any invasion*, according to the general order of the Governor, of the third of July, before mentioned. Still, the people on the sea-coast were not wholly free from alarm. As war had been declared against a nation of very extensive naval force, they felt themselves in an exposed and dangerous situation; and in most cases suspended their usual business of navigation, of fishing and coasting.

It will readily be supposed, that such interruption and suspension of their common pursuits, on which the comfort of their families depended, produced much distress and uneasiness among the people. All those concerned directly or indirect-

* It is important to state, that the vote of the House of Representatives, on adopting the answer to the Governor’s speech,

ly in commercial enterprises, felt the evils of war pressing very heavily upon them. They had already been long suffering under the system of commercial restrictions and non-intercourse; and especially under the law imposing an Embargo, which was in force for an unusual period of time. A vast amount of capital was unemployed; or, if vested in navigation, was almost certain of being sacrificed and lost. The price of all imported articles was high beyond any former year, subsequent to the revolutionary war. This led to the practice of smuggling, in some instances. The produce of the country also, bore a very great price; while that portion of the community who depended upon the farmers, which is composed of those who were engaged in navigation, were less able to purchase. Many citizens in Massachusetts, who had before given their support to the national administration, became dissatisfied; and complained of the policy of the general government, as loudly as any others. It is not to be supposed, that those who thus complained, were less patriotic, or more selfish, than the people in other parts of the nation. Could they have perceived any great national benefits to result from the war, they would have endured the privations and evils, to which they were subjected, with perfect acquiescence, as they did in the war of 1776. But doubting the necessity of the war, and seeing no reason to believe that England would yield to the demands and claims

in which his conduct respecting the militia is so expressly and fully approved, was by a greater majority, than for any other political measure, adopted at this session. There were 325 in favour of the answer, and only 150 against it. This shows the feelings and opinions of the people, on this interesting subject.

made upon her, by the United States, they openly condemned the policy of the national rulers, who had brought the country into such a situation of embarrassment and suffering.

A loan was, at this period, desired by the general government, to a large amount, to enable them to prosecute the war. Applications were made in all parts of the nation. The United States had then a great debt to provide for; and the revenue, in consequence of the embargo, and other restrictions on commerce, was comparatively small.— Few subscriptions were made to the loan in Massachusetts. The capitalists were not so ready, as on some former occasions, to lend their money to the government. Many declined, because they were opposed, in principle, to the war. And others feared the debt of the nation would be so increased, as that, with a restricted navigation, and a scanty revenue, the government would not be able to refund the money for many years.

This refusal of the opulent citizens of the State, to lend their money for the prosecution of the war, was made a matter of severe complaint, by the ardent friends of the national administration; and, added to the fact of the Governor's declining to call the militia into service, as requested, gave occasion for the renewal of the charge, made in 1809, of an intention to divide the Union, and erect the New England States into a separate government. Although no proof of such a plan was then, or at any time offered, to substantiate the charge, or to render it probable even, in the opinion of the impartial and disinterested, which, no doubt, would have been produced, if any were known, still, the dissatisfaction, manifested by the majority of the Eastern

States to the war with England, gave some plausibility to the accusation, with the unreflecting and those of strong party feelings. Some individuals probably, spoke unadvisedly and rashly, on the subject. But the people generally, and those in power in Massachusetts held no other or stronger opinion than this, "that they feared the anti-commercial system, and other impolitic and injurious measures of the federal government might lead to a severance of the States."

At no public meeting of the people, either in a body, or by delegates, was language stronger than the following used, respecting a separation of the union; and this was at a large county convention, in the country, at a great distance from the metropolis, and assembled without any extraneous influence.—"Resolved, that we consider the union of these States as an inestimable blessing; and that we deeply deplore a system of measures, which may disaffect any portion of the community to this national compact." Mr. Ames, whose opinion had great influence in Massachusetts, and in other parts of the nation, indeed, was known to be a decided friend to the Union, while he lived. "No privations or calamities," in his opinion, "could justify a separation of the United States"—and yet he sometimes expressed fears, as to the excess of democracy, growing out of the French revolution; and he lamented the restrictions on commerce, as calculated to irritate the people in the Atlantic States.

An eminent federalist, writing on this subject, in Massachusetts, after referring to the sufferings of the people, under the embargo, the anti-commercial system and the war, says, "Let us cleave

to the Union, to the last extremity.” He also asserts, “that no treatise, essay, official speech, or other public document, with the sanction of any respectable name among the federalists, has ever appeared, favouring, *in the most remote degree*, the suggestion of dividing the Union. No one can be named, who espouses this theory even in *conversation*. No report of any committee, no legislative act or resolve, can be produced, giving the least countenance to such a project, if any was formed. On the contrary, it is notorious, that the most decided and distinguished of the federal party, have been the most zealous advocates for the continuance of the Union. It is, indeed, the universal sentiment among the federalists, that the force of the motives, which led to the union, though weakened, is not so impaired as to justify the attempt, or even the wish for a separation.

“With great regret, some, indeed, are compelled to believe that public affairs are awfully mismanaged; and may hasten such an event. In order to prevent it, therefore, they do sometime express their fears of such a calamity. But they are desirous the people of the commercial States should exercise patience and forbearance, submit to all reasonable privations, and attempt all practicable experiments to obtain relief from the oppressions of the present system.

“We ask that commerce, for the prosperity and protection of which, the federal government was chiefly instituted, may not be *systematically* crippled in peace, nor *systematically* burdened in war. Such a system is unequal, and cannot be endured. The union is dear to the people of Massachusetts. Commerce is also dear to us. What

symptoms of disaffection, we may ask, in this declaration ? When the people fully perceive the destructive tendency of the anti-commercial system, they may prefer to follow the example of their virtuous ancestors, and quit a country the government of which will not protect their rights, rather than to suffer oppression and ruin." This was, probably, the most explicit language on the subject of the separation of the Union at that period. And it was far exceeded, in explicitness, and in menace, by the people of Kentucky and Virginia in 1800, on the passage of the alien and sedition laws; and by the citizens of the latter State, in 1795, when the treaty with Great Britain was ratified by Washington with the consent of the Senate of the United States.*

* It may not be improper, here to refer to a meeting of the citizens of New-York, soon after the declaration of war, which was in June 1812—This was a very numerous assembly, and the most respectable characters were present. The chairman of the meeting was a revolutionary officer, of high rank and great worth; and the resolutions adopted by the meeting had been approved by Mr. Jay, Mr. King, Judge Benson, G. Morris, R. Varick and M. Clarkson. Among these resolutions were the following—"That war, one of the greatest calamities which afflict mankind, when waged without just cause, is an insult to the Divine Being—That the war, recently declared, by a slender majority of Congress, is unwise—That it would have been difficult to select a period more unfavourable for a measure so portentous—The United States being unprepared; the treasury empty; the property of our citizens in the hands of those now made our enemies; property afloat on every sea; the revenue impaired by imprudent commercial restrictions, and now by the war destroyed;—and that we are irresistably drawn to the conclusion, that the American people will be subjected to the will and power of the French Emperor. We are therefore, under the *dire necessity of declaring, that we have no confidence in the men who have brought us to this perilous situation.*"

CHAPTER IX.

Hope of peace disappointed.....Session of the General Court, January and February 1813.....Measures of defence adopted.....Money appropriated for means of defence.....Commissioners appointed for defence of Sea-Coast.....Application to Congress for aid, and for fire arms.....Congress requested to increase the Navy.....Seats of some Senators vacated.....Vote of thanks to Naval Officers.....Governor re-elected in 1813.....Extracts from his Speech.....Remonstrances of Representatives and Senate against the war.....Second request to Congress for fire arms.....Mr. Gore, Senator.....Capture of the Chesapeake.

As the orders of the British Ministry, unfavourably affecting the Commerce of the United States, which were considered by the national administration as very arbitrary and unjust, and were, indeed, alleged as the principal cause of the war, were repealed, it was hoped that peace would be restored between the two countries. But this hope was not realized; and it was evident, that the general government was determined to prosecute the war. At the session of the General Court of Massachusetts, in January 1813, the Governor, therefore, recommended the adoption of measures for the defence of the State; and advised the Legislature to make appropriations for that purpose. The State was still in a defenceless condition, the regular national troops having been ordered away; and it was reasonable to suppose, that on the continuance of the war, the enemy might make attacks

on some of the towns on the sea-coast, in the course of the ensuing year. The Legislature, accordingly, voted \$100,000 to be placed at the disposal of the Governor, to purchase fire arms cannon and other munitions of war, to enable the militia, if called out, to act with effect.

The Governor was also authorised to appoint three Commissioners, for the defence of the sea-coast, who were to have the immediate care of providing these means of protection. He selected for this important trust Generals Cobb, Heath and Brooks, who had been distinguished officers in the army of the revolution, and were men of great experience, patriotism and judgment.

During this session of the Legislature, the House of Representatives passed an order, directing the Adjutant General of Massachusetts to represent to Congress and to the President of the United States, the defenceless condition of the sea-coasts within the State, and to desire aid from the federal government, in money and in amunitions of war. But the Senate refused to join in the resolution. Soon after this period, the Governor applied to the national administration for the portion of fire-arms, (ordered by an act of Congress, at a previous session) coming to this State, for the use of the militia: But none were furnished to Massachusetts till some time after and near the close of the war; though most other States received their portion at that period. The House of Representatives passed a resolve also, at this session, by which the Representatives and Senators in Congress from the State were instructed to use their influence in the National Legislature for an immediate augmentation of the naval force of the

United States: and in this resolution, the Senate readily joined.

A proposition was, made, at this time, that the State build a seventy-four gun ship, to be present to the United States, for the national service during the war; but after some discussion, it was rejected. In his speech, at this Session, the Governor informed the Legislature, that it had been ascertained the militia were well organized, and capable of acting with promptness and effect, whenever it should be necessary to call them into service. His order of July 3d. 1812, had produced a good effect on the militia officers, and very satisfactory returns had been made from all parts of the State.

Several members of the Senate discovered an independent and honourable spirit, in voting with those of the federalists in that body, on a motion to declare the seats of Messrs. Tuttle and Ripley vacated, in consequence of their accepting commissions in the regular army of the United States. Subsequently to the former session, these gentlemen had been appointed Colonels in the army. It was considered improper, therefore, they should retain their seats as Senators. The resolution to consider their seats vacated by their acceptance of the appointment was passed by a vote of sixteen to nine; five of the democratic Senators voting in favour of the motion.

Captain Bainbridge, who took command of the frigate Constitution in the fall of 1812, captured the Java, a large British frigate in December; and on his return to the United States, came into the harbour of Boston. He entered the port, while the General Court was in session; and the Senate,

soon after, passed a vote of thanks to him and his brave officers and crew, for this gallant achievement. On a motion in the House for a similar purpose, it was considered proper to refer to all the naval victories, which had then been accomplished. Captains Decatur and Jones of the navy had also been successful in naval rencountres; and they were included in the resolution adopted in the House of Representatives.

The preamble and resolve were as follows—
 “Whereas every event which reflects lustre upon the American name and contributes to elevate the national character, in the view of foreign powers, ought to be distinguished and honoured by the people of the United States: and whereas the brilliant victories achieved by our gallant navy, since the commencement of the present war with Great Britain, are highly calculated to produce this effect; and while they demonstrate to the Nation the wisdom and patriotism of the policy which projected and created a navy, they strongly urge upon the national government the importance of encouraging and increasing that species of defence; it becomes the Representatives of the people of Massachusetts, (whatever may be their opinions in relation to the present war) to testify their high approbation of the gallant and able conduct of those officers and crews of the navy, to whom the fortunate opportunities have occurred of giving reputation to the American arms and of signaling their own valour, enterprise and nautical skill.

“Therefore, resolved, as the opinion of this House, that Captains Hull, Bainbridge, Decatur and Jones, of the United States Navy, their officers and men, in the splendid victories, by them recent-

ly obtained over the British ships of war, *Guerriere*, *Java*, *Macedonian* and *Frolic*, and in their generous conduct to their captured enemies, have acquired for themselves a distinguished title to the consideration and applause of their fellow citizens, which is due to an heroic and able discharge of duty, and which is the legitimate reward of brave men, who devote their lives to the service of their country.”

It was proposed at this Session to adopt some plan or method for lessening the number of Representatives; but no act was passed by the Legislature on the subject. No law could, indeed, have been passed, to this effect, without an alteration of the Constitution. The number of Representatives, chosen in May 1812, was upwards of 700. The number chosen in 1813, was 630.

Mr. Strong was re-elected Governor for the year 1813, by a very large majority; a proof of the confidence the people had in his wisdom and patriotism, and of their approbation of his public conduct the preceding year.* And the Senate, as well as the House of Representatives, was composed chiefly of the federal party; or as they were, at this time, generally, denominated, the friends of peace. A great change had taken place in the minds of the people, respecting the policy and measures of the general government; and many who had placed implicit faith in the political wisdom of the national rulers, withdrew their confidence and their support. In his speech to the

* General Joseph B. Varnum was the other candidate for Chief Magistrate at this time. Samuel Dexter was also nominated, but he expressly declined receiving the suffrages of the people for the office.

Legislature, at the commencement of the Session in June, the Governor gave a concise history of the conduct of the belligerent nations in Europe towards the United States; in which he expressed the opinion, that the government of France had generally been first in the depredations on the American commerce, and had inflicted injuries of the greatest amount: and that peace might have been maintained with Great Britain, by a sincere desire, on the part of the national administration to adjust the disputes which had existed, consistently with the interests and the rights of the United States.

The Governor at the same time, recommended to the Legislature to provide further means of defence for the inhabitants of the State; particularly, for those on and near the sea-coast, who were the most exposed. "They have already suffered much," he observed, "in being deprived of the usual means of support and are in danger of still greater evils. It belongs indeed, to the national government to protect all and each of the States in the Union, and to provide for the common defence. But, if an invasion should be made or attempted, on any part of our coasts, I feel confident the militia will promptly and cheerfully exert themselves to repel it." The Senate and House of Representatives, in their respective answers to the Governor's speech acknowledged the correctness and propriety of his statement, and gave assurances of support to all necessary measures, for the safety and protection of the State, against an invading enemy. A large sum was appropriated, during the Session, to purchase fire arms, cannon and gunpowder, to be furnished the citizens who inhabited

the sea coast. They were distributed under the direction of the three agents for sea-coast defence before appointed. In reply to inquiries, as to the continuance of the general order of July 3d. 1812, the Governor directed the Adjutant General to inform the militia officers, and others who might act as committees for the towns, that he considered the order still in force, and to urge upon the commanders of regiments, battalions, brigades &c. to be in constant readiness to march, at the shortest notice; and whenever there was a landing by the enemy, or any menace or attempt to land, to repair to the place of danger, without waiting the orders of a superior officer.

The sentiments of the Governor respecting the policy of the national administration in declaring war against England for the causes alleged, were well understood. He had repeatedly expressed an opinion, that it was not necessary or expedient. But it was not in his character to inflame the passions of the people, or to increase their discontent at the measures of the general government. The following extracts from his public speech to the General Court in June 1813, will shew the temper of the Governor, both as a man and a politician.

“We are bound to obey the laws made in conformity with our constitutions: But those constitutions ensure to us the freedom of speech; and at this momentous period, it is our right and duty to inquire into the grounds and origin of the present war; to reflect on the state of public affairs; and to express our sentiments concerning them with decency and frankness; and to endeavour, as far as our influence extends, by temperate and con-

stitutional means, to promote an honourable reconciliation. By an unnecessary war, the deepest guilt is incurred ; and therefore, every belligerent nation should inquire which of the contending parties is justly chargeable with that guilt.

“It has often been asserted, that our national honour compelled us to engage in a war with Great Britain. The honour of a nation consists in the display of its wisdom, justice, moderation and magnanimity. It requires the government to regulate its conduct for the greatest advantage of the State ; and to pursue that series of measures, which will most effectually promote the welfare of the people. But that species of honour, which would prompt us to wage war for every supposed instance of abuse or disrespect, is not the honour of a wise and moral people.

“So far as conquest may be considered as the object of the present war, its policy, to say nothing of the justice of it, must be extremely doubtful : A few individuals may gain, by an offensive war ; but the great body of the people have nothing to gain or to hope for. In republics, the increase of power has often occasioned severe calamities, by increasing their pride and arrogance, and inspiring rash councils and extravagant measures. And when they have been successful in foreign wars and acquired the title of conquerors, they have generally and speedily lost their form of government.”

At this session, a remonstrance against the policy of the war was prepared, and adopted by large majorities both in the House of Representatives, and in the Senate, and addressed to the Congress of the United States, then convened in an extra-

ordinary session, called by the President, on account of the embarrassments in the nation, growing out of the hostile attitude of the government. The evils of war generally, were ably stated, in this document ; and especially of that, then recently declared ; which, it was supposed might have been prevented, without compromising the honour of the nation ; and which, in its progress threatened distress and ruin to that portion of the citizens of the Commonwealth, who were engaged in commercial pursuits.* Most of the towns on the sea-coast had petitioned the Legislature to desire some means of relief if possible, to restore to the country the blessings of peace. These petitions were referred to a committee, and the remonstrance against the war was the result.

While the General Court was in session, in June, Christopher Gore, who was Governor of the State in 1809, was elected a Senator in the Congress of the United States. He had been appointed by the Supreme Executive of the Commonwealth in the recess of the legislature, on the resignation of James Lloyd a few months before. There was an extra session of Congress in May ; and the Governor considered it very important to have a full representation in the national Senate from Massachusetts. The election of Mr. Gore, by a large majority of both branches of the General Court, was

* The people were justly alarmed at the immense expense of the war ; for the payment of which, the chief dependence must be on the commercial part of the nation. The expenses for the year 1813, were estimated at forty million dollars. It was also supposed the country lost 63,000,000 by the Embargo, and as much during the four years of the restrictive system : more than three fourths of all which, were sustained by the eastern States.

proof of the good judgment of Governor Strong, in selecting this distinguished citizen.

The Governor gave notice to the General Court, of the letter he had received from the Secretary of War, in which he declined furnishing to Massachusetts the portion of arms, to which the State was entitled, by virtue of a law of Congress, passed several years before, and for which the Governor had applied. A committee was raised to consider the subject ; for it was considered improper and arbitrary in any officer of the national government, or in the President himself, to refuse fulfilling an express injunction of law. A spirited report was made by the committee, and a resolution was adopted, by which the Adjutant General was directed to request of the war department, an *immediate* supply of arms, to which the State was entitled, according to the law of Congress.

On the second of June, a battle was fought just off the harbour of Boston, between the Chesapeake, a Frigate of the United States, and the British Frigate Shannon, which terminated unfortunately to the American Ship. There was the more interest taken on this occasion, perhaps, because the Chesapeake had been some time in the port of Boston, and her officers were known and esteemed by the citizens of that place. The ship had sailed but a few hours, when the attack was made. Her officers were brave, and the highest expectations had been cherished of success, if she should meet the enemy. But the battle was commenced with great disadvantage on the part of the Chesapeake. The contest was too eagerly sought by the brave and gallant commander, before he was fully prepared for action ; and the relative position of the ships,

when they met, was favourable to the British Frigate. The American Ship was taken, several officers and men were killed, and the Captain was mortally wounded.

CHAPTER X.

British Ships on the coast.....Alarms of invasion.....Detachment of militia ordered out....Spirit and bravery of the people.....Embargo.....Governor's Speech, January 1814.....Extracts from it.....Reply of Representatives.....People complain of grievances.....Embargo obnoxious and distressing.....Memorials to General Court, from towns and from fishermen. Resolutions of Legislature thereon.....Governor of Vermont threatened... Resolve to defend him.....Strictures on the conduct of Governor Strong. Militia called out, on request of Naval Officers of the United States, April, 1814.

During the year 1813, several detachments of militia were called out, on applications from the people on the sea-board, who were apprehensive of an attack from the enemy, whose vessels were frequently seen near the coast. But these detachments were not very large; nor were they kept long in service, at any one period. In 1812, there were no alarms, excepting in one instance, which was at Eastport, in the vicinity of New Brunswick; when the militia were immediately ordered from a distance, by the Governor, for the defence of the inhabitants and their property. But in the summer of 1813, several ships of the enemy were hovering on the coast in the counties of Hancock, Lincoln and Cumberland, in Maine; but no attempts were made to land. The militia, however, in the vicinity, in companies, or battalions, promptly repair-

ed to the places where the inhabitants were alarmed: and their appearance, probably, often prevented the meditated attacks and depredations of the enemy. The militia officers, acting under the general order of the Governor, of July 3d, 1812, were always ready to *repel invasions*; and when it was attempted or threatened, they conducted with great bravery and effect. Thus the extensive sea-coast of Massachusetts was protected by the militia, in obedience to the orders of the Commander in Chief of the State, without any infringement of their rights, or imposing an unnecessary burden upon them. The people were allowed to pursue their ordinary occupations; and yet, when immediate danger threatened, they were prepared and commanded to assume the character of soldiers, for the defence of the country.*

* The dispute respecting the power of the President of the United States over the militia, still continued; and a great deal was written on the subject in the public papers in Massachusetts. The question has been already noticed; but it was so absorbing at the time, and its solution so essential to the liberties of the people, that it may be referred to again, although it should justify the charge of a repetition of former remarks.

It was said by those who considered the demand of the President for the militia, in June 1812, to be an assumption of power, that if, when an act of Congress gave him authority to call them into service, he could do it except in the cases specified in the constitution, then there were no limits to his controul of them; and he might march them where and when he might choose. The constitution says, the militia shall be liable to be called into service, "*to repel invasion.*" This is specific and precise. But the question naturally arose; whether this gave the President authority to call for the militia, on the declaration of war, and so long as it continued. The friends of the administration, at that time, asserted that it did; while many others believed, that no more in war than in peace could the militia be ordered into the service of the United States, but to *repel* an invasion, or to defend against a threatened attack.—

Later in the season, the vessels of the enemy entered some harbours in the State, and plundered the inhabitants of their sheep and other live stock. But they did not proceed into the country, nor remain long in the places where they landed ; for the militia were prepared to defend themselves ; and obliged the enemy to retire. At Portland and Wiscasset the militia were called out, in larger detachments, in September 1813, by orders from the Generals of divisions, who referred in their summons, to the general order of the Governor. These were retained in service several weeks ; for the ships of the enemy were then near the coast in Maine, and it was apprehended their purpose was to land and plunder the inhabitants, unless the towns and harbours were well guarded. The service of the militia was the more necessary, as the regular troops of the United States, who had been in the forts, in that part of the Commonwealth, were gone to the North-west borders for the invasion of Can-

Another important question arose, whether the President alone should decide, that there was such immediate danger of invasion in any case, as to justify the calling out of the militia : or whether the state authorities had not the best opportunity to judge of the danger, and a right also to decide, or to be consulted in the decision, whether the emergency had occurred, which required them to serve for the protection of the State.— In a word, the question was, whether, on constitutional grounds, and consistently with the rights of the citizens, they could be ordered into the public service, and subjected to military law and discipline, by authority of the federal rulers, except to repel an actual invasion. It was said that in time of war there was always danger of invasion ; and therefore, the militia might be called out and retained in service, so that they might defend the country whenever an invasion should occur. To this it was replied, that no danger could justify an act which was in violation of the rights of the people ; that regular troops should be provided whenever a *permanent* military force was to be kept

ada. It appears by the correspondence between the Major Generals and Governor Strong, that the latter approved of calling out the militia at these places.

In this state of alarm and of probable danger, the citizens of most of the towns contiguous to the Atlantic, applied to the authority of the State, for the means of defence. By the provident care of the Executive, who had been authorised by the Legislature, various munitions of war were purchased; and were furnished to the inhabitants when requested, by the agents appointed for the purpose. Weapons of war to a great amount were thus distributed among the militia, whose promptness and efficiency was displayed on all suitable occasions. At no time did they refuse or hesitate to march to places exposed, or where alarm existed; and yet they generally objected to the plan of being stationed in the forts, or of being formed with a permanent military body.

up; and that the militia being put in a state of preparation and readiness for service, could be employed to repel an invasion, and to defend any place attacked, while, at the same time, their rights and liberties would not be infringed. Patriotic and brave men would certainly defend their country; but were they to be under the controul of federal rulers and officers, and at their discretion, in time of war, more than at any other time, except for the object or service mentioned in the constitution? The Governor of Massachusetts has a constitutional right to call out the militia, as he may judge proper, for the safety and protection of the State; but no officer of the general government has authority to use and command them, except in certain cases, clearly specified

Mr. Munroe, when acting as Secretary of War, in Feb. 1814, in a letter to a committee of Congress, says, "The military commanders were required, by the President, to watch the movements of the enemy, and to summons them to the field, *on menace of invasion*. The object of the President was to afford

It will be readily perceived, that, with the very extensive sea-coast in Massachusetts, a great expense must have been incurred, in carrying into effect the views of the Governor and Legislature, in providing for the protection and defence of the State. The extent of the sea-coast from Rhode-Island to New Brunswick, with all its inlets and bays, is about six hundred miles, and includes eighty towns and villages, some of which are large, and much exposed, on account of the facility with which they may be approached from the sea. Whenever an alarm was given, the citizens repaired, with great cheerfulness to the place of danger ; and discovered much of the spirit and bravery which animated their fathers in the time of the revolution.—Then, indeed, they contended for their natural and political rights. They engaged in the contest with remarkable zeal and enthusiasm ; and they submitted to privations and sufferings without complaint. But as they did not perceive the necessity of the war of 1812, and believed that all which was just, or essential to the honour and welfare of the nation, might be obtained by negotiation, they were wil-

the best protection, with the least possible burden to the people.” This object was attained most effectually by the plan and the orders of the Executive of Massachusetts, without requiring any service of the militia inconsistent with their constitutional rights.

Several members of Congress were sensible of the difficulty attending the question, as to the controul of the militia, and a committee was appointed in January 1815, to consider the subject. But the news of peace soon after arrived, and no report was made by the committee. About this time, the Governor of South Carolina recommended to the Legislature of that State, to propose an amendment to the Constitution, so as to have the power of Congress and of the President over the militia, more clearly defined.

ling to support it, only in so far as the constitution imperiously required ; or their determination, as brave and patriotic citizens, to defend themselves and the country from invasion, would compel them.*

The people of Massachusetts, very generally, complained of the national rulers, for their neglect to provide the means of protection and defence of the State. They considered it the duty of the general government to protect the nation against a foreign enemy. This was one object, according to the federal constitution, for which a national government had been instituted.† Had war been declared against the United States, unexpectedly and without warning, the rulers of the nation, whose policy did not lead them, openly and professedly, to aim at foreign conquests, would have been just-

* A doubt, both of the justice and of the expediency of the war was expressed by individuals, who, afterwards, for some reason, became its advocates, and the eulogists of those by whose influence it was declared. Governor Plumer of New Hampshire said, "he considered it unnecessary and unjust." J. Q. Adams, in a letter written at St. Petersburg, in October 1812, to the Secretary of State, says, "I observed to the Russian Minister, that I knew the war must be highly injurious both to the United States and to England ; and that I could perceive no good result likely to arise from it, to any one." The Russian Minister replied, "that he considered the war in the same light."

† The immense debt incurred by the national government in prosecuting the war, which many believed might have been honourably prevented, and expended chiefly to carry the war into the enemy's country, while the interests of commerce, and the sea-coast which was most exposed, were neglected, added much to the discontent and complaints of the people. The expenses for 1812, amounted to forty five or eight millions ; and those for 1814, were estimated at seventy millions and upwards. The citizens of the commercial States were aware, that this great debt must be paid principally by them.

ified, in the minds of the people, in not being perfectly prepared to meet the unforeseen crisis. But, in the present case, war was declared by the national rulers, who, it was afterwards evident, had long meditated, if not actually resolved upon it ;* and when it was confidently believed, by the most intelligent, that negotiation, undertaken in the honourable manner of that instituted by Washington, in 1794, would have obtained for the United States more than was secured by an appeal to physical force, when much blood and treasure were expended.

The federal government, it was therefore said, should have been prepared to repel the attacks of a nation, which they had compelled to become the enemy of the United States ; and should have provided means of defence for the people, whose welfare it was expressly pledged to defend, instead of relying upon the militia, except merely to *repel* invasion, which might unexpectedly occur. But when, instead of such wise and just precaution, no troops or means of protection were furnished, by the general government, and even the few regular corps, which had been stationed in the forts, for the safety of the sea-ports and the vessels in the harbours, were withdrawn, to be employed in ambitious schemes of conquest, the people became very clamorous, and seemed disposed to attribute their calamities and sufferings to the improvidence of the national rulers.

* They who were in the secrets of the French Cabinet, predicted in April or May, that war would soon be declared by the United States against Great Britain. And before war was declared by Congress, the Secretary of War requested Governor Strong to place the militia under the entire command of a military officer of the United States.

These complaints against the national government, for making war against Great Britain, without stronger reasons than were given, and for neglecting to provide means of protection to the people who were put in danger by it, were considered by many, however, as altogether unjustifiable. It was contended, indeed, by some of the political friends of the national administration, that as war had been declared by Congress, the people ought not only to cease all objections to it, but to acquiesce in and to support it. To question the justice or expediency of the war, was represented as a political sin, approaching almost to treason against the nation. What rendered this conduct the more remarkable was, that the party and the individuals, who expressed such opinions, had, a few years before, been very severe in their censures of the policy and measures of the federal government; especially in 1795, when Washington made a treaty with England, and in 1798, when President Adams prepared to defend the honour of the nation against the insolence of the French rulers.

But when political feelings run high, it is almost in vain to expect consistency or reason. The citizens of the United States, however, have never yet given up their right to discuss the policy and public conduct of their Representatives. This independent and republican trait of character has always been particularly manifested in the intelligent people of Massachusetts. In a really free country, it cannot, indeed, be otherwise. It is only where the rulers are independent of the people, and the latter have no power or privileges but what are granted by the Prince, at his pleasure, that men will fear to assert their rights, or to act as censors upon the conduct of their public agents.

During the winter of 1813-14, the people were not subject to many alarms, and few of the British vessels approached the coast of Massachusetts. But it was apprehended, that the war which had continued nearly two years, would be prosecuted by the enemy, the ensuing season, with greater resolution and force, than they had done before. This apprehension afterwards proved to be too well founded. As the spring opened, the enemy's ships on the coast were more numerous than at any former period of the war; and it was the general opinion of the people, that more efficient means for the defence of the State ought to be adopted. The Legislature had indeed, at their session in February, in anticipation of partial invasions from the enemy, and on recommendation of the Governor, authorised him to continue the commissioners for the defence of the sea-coast, and made further appropriations to provide additional means of protection to the people. The arms, before repeatedly requested of the United States, had then been received, to the number of fifteen hundred; but these did not constitute the full portion belonging to Massachusetts.

In December 1813, Congress passed an act laying an embargo, the duration of which was not to exceed a year. This measure was very oppressive in its operation, and gave complaints, on the part of the people, as great as the embargo of 1807, or even the declaration of war itself. It was extremely obnoxious to the citizens on the sea-coast, who were most directly and immediately subject to its operation. It interdicted the coasting trade from one port to another in the same State, and forbid the occupation of fishing also near the harbour,

thus preventing the article in the market and destroying the business of many industrious citizens who depended on it for a living. This law was the more obnoxious to the people, because it was to be construed by the officers of the general government, under instructions from the President, and thus was liable to be executed with partiality. The fishermen of Boston were, in fact, forbidden to pursue their wonted business, while those of some towns in the vicinity were permitted to engage in the same occupation without any restraint.

When the Governor addressed the Legislature, in January 1814, he spoke of this law, as oppressive to the people, and plainly intimated that it was unconstitutional. "The late act of the national government, interdicting the trade coastwise between different parts of the same State, as well as between the States respectively," he said, "contains provisions of such a character as makes it worthy of inquiry, whether any measures can be properly adopted by the government of this State, which would be likely to induce Congress to repeal them, or to amend them in such manner as to render their constitutionality less questionable."

The Governor referred, briefly, to the policy and conduct of the national rulers, as to the origin and management of the war. He expressed a belief, that the government of France had too much influence over the measures of the administration of the United States, and a fear, that there was no wish to bring the war to a close.

The following paragraph in the speech of the Governor at this time, was very pertinent, and could not fail to have a good effect. "The right of fully investigating political subjects and freely

expressing our sentiments in relation to them, is secured to us by the constitution, and is essential to the public safety and the preservation of a free government. Without the exercise of this right, the most oppressive laws would not be repealed, nor the most grievous abuses reformed. And whoever attempts to restrain this privilege, whatever name he assumes, is not a friend to republican liberty.”

The Representatives, in their answer to the Governor’s speech, remark—“By the seasonable assertion of their right to investigate political measures, the people of this Commonwealth have checked a disposition manifested in some parts of the country, to stifle fair inquiry, to suppress the freedom of speech and of the press, and thus to protract the evils of mis-government and screen the errors and vices of the ruling party, from exposure.”—This answer of the House of Representatives is so able, and describes so justly the condition and feelings of the people, at that period, that the whole will be given in the appendix.

Some time in January, a motion was made in Congress to authorise and direct a prosecution to be instituted against the Governor of Vermont; and before any decision was had, there was a good deal of excitement on the subject, and many were led to apprehend a purpose in the general government to assume and exercise an arbitrary power over the State authority. A resolution was offered in the House of Representatives of Massachusetts to the following effect—“Whereas certain resolutions have been proposed in Congress, to authorise and direct a prosecution to be instituted against the Government of the State of Vermont, for his official conduct in relation to the militia of that

State, the command of whom, except in cases specified by the constitution of the United States, belongs of right to the executive authority of that State—and while the respect due to the National Legislature forbids the belief that so flagrant an indignity to an independent State will finally receive their sanction; yet as every attempt to make the Chief Magistrate of a State amenable for his official conduct to any tribunal, other than that elected by the people of the State over which he presides, is a subject of just alarm and ought to be promptly repelled—Therefore, resolved that it will be the duty of the Commonwealth of Massachusetts to aid the Governor and people of Vermont, or of any other State, with their whole power, in enabling them to support their constitutional rights, whenever the same shall be in danger of infringement from any quarter; and that it will be the duty of this Legislature, whenever requested by the Legislature of Vermont, or of any other State, on having evidence of such infringement of their constitutional rights, to make provision by law for their effectual support.” The resolution was laid on the table, at the instance of the member who offered it, as Congress had not acted on the subject.

The fishermen of Boston, who were thrown out of employment by the embargo law of December 1813, presented a memorial to the General Court, at this session, stating their privations, and complaining of the arbitrary measures of the national government, under the operation of which they were suffering. They represented, “that by this act they were prohibited from the exercise of their accustomed occupation which gave them and their

families their daily bread." They said, "they were aware that the Nation was involved in a disastrous and ruinous war; and though they were ready to submit to the necessary privations it might occasion, they had yet to learn, that any principles of civil liberty, of expediency, or even of despotism, could justify the entire sacrifice of one portion of the community, while others were permitted to riot in prosperity and luxury. With the light, which the plain words of the constitution afford us, we have sought for the provision, which authorises Congress to restrict any portion of the coasting trade between ports of the same State, but we have not been able to find any such power. We formerly supposed there was a division of sovereignty, and that some little portion of power was reserved to the States, respectively. We did not indeed know, till rueful experience convinced us, that State sovereignties were an empty name, in the opinion of our national rulers. But when we sought for some apology or pretext for the interdiction of the *domestic fisheries*, which we could not suppose Congress would forbid without just authority, we were surprised to find, that no power had been given to Congress to controul this portion of our national industry."

The Legislature of Massachusetts, at this session, received petitions and memorials from more than fifty towns, many of which were in the interior of the Commonwealth, calling the attention of the State authority to the impoverished and suffering condition of the country, and expressing great dissatisfaction with the war policy of the general government. They all declared their belief, that the war was unnecessary, and was to be attributed

to the undue influence of a foreign power over the councils of the nation. Before the General Court was adjourned, resolutions were adopted by a very large majority, prepared by a Committee to whom the memorials had been referred. They were as follows—"Resolved that the act laying an Embargo on all ships and vessels in the ports and harbours of the United States, passed in December last, contains provisions *not warranted* by the constitution of the United States, and *violating the rights* of the people of this Commonwealth—That the people of this State, from its earliest settlement, have enjoyed the right of navigating from port to port within its limits, and of fishing on its coasts; that the free exercise and enjoyment of these rights are essential to the comfort and subsistence of a numerous class of its citizens; that the power of prohibiting to the citizens the exercise of these rights was never delegated to the general government; and that all laws passed by that government, intended to have such an effect, are therefore, unconstitutional and void—That the people of this Commonwealth have a right to be secure from all unreasonable searches and seizures of their property; that all laws, rendering liable to seizure the property of a citizen, at the direction of an individual, without warrant from a magistrate, issued on complaint, under oath, with the pretence that such property is apparently on its way towards the territory of a foreign nation, are arbitrary in their nature, tyrannical in their operation, and subversive of the first principles of civil liberty—That the people of this Commonwealth have a right to be protected in the enjoyment of life, liberty and property, according

to standing laws ; and that all attempts to prohibit them the enjoyment of this right, by agents acting under executive instructions only, and armed with military force, are destructive of their freedom, and altogether repugnant to the constitution—That, as the well-grounded complaints of the people constitute a continued claim upon the government till their grievances are redressed, the several memorials and remonstrances lately presented to this Legislature be delivered to the Governor, with a request that he or his successor would cause the same to be laid before the next General Court, at an early day of their first session.”*

* Besides various ephemeral attacks on the conduct and opinions of Governor Strong, in the newspapers of the day, there was a series of essays or letters addressed to him, which first appeared in the “Boston Patriot,” and were afterwards published in a pamphlet, which were attributed to a young man of education and talents. The letters were written with some plausibility and more severity. The writer undertook to show that the Governor and Legislature of a State, had no right to question the conduct and policy of the national government, whose authority was paramount, as he contended, over the State rulers, in all cases ; and that Governor Strong, therefore, had violated his oath and his duty, in not complying with the orders of the President of the United States, and his officers. The writer further attempted to prove, that the war was expedient, just and necessary, and that every one was bound in patriotism to support it. He considered it necessary, by a very laboured argument, to endeavour to justify the conduct of the national administration ; but did not allow that any one must oppose or censure, it being the duty of all good citizens to support the measures of the national policy, without inquiry. This was not very consistent, nor very convincing to many ; but the writer was applauded by the friends of the administration, and soon afterwards was liberally rewarded for his “useful labours.” The writer charged Governor Strong with “impertinence,” because he dared to question the wisdom and con-

In the month of April, on the request of Captain Bainbridge, of the United States' Navy, who apprehended an attack at Marblehead, where the Frigate Constitution was then lying, two companies of artillery and a company of Light Infantry were ordered from Boston, by the State authority, to march for the defence of that place and the ships in the harbour. And soon after, the same officer applied to the Executive of Massachusetts for aid from the Militia, when it was feared that the enemy, several of whose large armed vessels were then in the Bay, meditated an attack on the Navy Yard in Charlestown. On this occasion, the Boston Brigade, consisting of nearly 3000 men, were inspected anew, and assurances given to Captain Bainbridge, that the whole, or any part of the Brigade, as he might deem necessary, should be ordered out at the shortest notice, for the purpose he desired. A militia company belonging to Charlestown, and an independent company of Light Infantry from Boston were, successively, called out to guard the navy yard,* and remained in ser-

stitutionality of some of the measures of the general government ; and accused him of exciting an insurrection in the Commonwealth. He also asserted, that the Governor and Legislature were in favour of a separation of the States, and had suggested and encouraged it in their official and public capacity. But he gave no proof, and could give none, of the justice of the charges. The Governor and Legislature had, indeed, continually and earnestly urged the people to forbearance and moderation ; and to seek redress of grievances only in a constitutional way. This writer had the impudence also to charge Governor Strong with copying, for his public speech, a message of the Prince Regent of England !

* There were no regular troops in the service of the United States in the vicinity, to defend the place.

vice sometime at Charlestown and Chelsea, there being an apprehension that the enemy might land in the night-time, and set fire to the vessels and buildings of the United States, in that vicinity.

A few weeks later, Captain Hull, of the United States Navy, who had command of the navy yard at Portsmouth, in the State of New Hampshire, was apprehensive of an attack, and applied to the military officer in the service of the United States in the district, for protection. A portion of the militia of Massachusetts were thereupon requested to be called into service for that object; as well as the militia of New Hampshire, which were in the vicinity of that place. The militia in the county of York in Massachusetts, were immediately called out to the number of 250. Their term of service, however, was short, for the alarm soon ceased. In September following, a greater number of the militia of Massachusetts, between 800 and 900, was called out, for the protection of the town of Portsmouth and the Navy Yard there situated; some difficulty, at that time, having prevented those belonging to New Hampshire from marching to that place.

During the month of April, (1814) there were alarms in the counties of Barnstable, Plymouth, Cumberland, Lincoln and Hancock; and the inhabitants were furnished with the means of defence by the military commissioners of the State, as they applied for them, and usually to the amount they requested. Many towns had been supplied before. Detachments of the militia were also ordered out, at these places, and kept in service as long as danger was apprehended by the officers in the vicinity. By the general order of the Governor, of July 3d,

1812, the officers of the militia had much discretionary power given them. But it was seldom abused. In no instance did the militia officer refuse to call out his men, when there was real danger of invasion ; but, sometimes, they marched on alarms, when no just cause of fear existed. Generally, the militia were required to march but short distances, and were kept in service no longer than was necessary to protect the people, or till their fears had subsided.

In June, there was an alarm at Salem, as several armed vessels of the enemy were near the coast, and at a short distance from the entrance into the harbour of that populous town. The fort belonging to the United States, at the mouth of the harbour, was not sufficiently manned to afford protection to the town against the British ships of war. Cannon and other military articles, to a large amount, were accordingly provided, by order of the Governor, for the defence of that ancient and opulent town. The militia also were called out from the towns in the vicinity, and a regiment marched from Boston, for its protection.

The alarms now became very frequent in the towns on the seaboard. The citizens of Boston were apprehensive of an attack at this period ; and a regiment of militia was encamped upon the Common for a short time, and then ordered to Dorchester heights, where it remained for several weeks. The companies composing the other two regiments of the town, were frequently called out for discipline ; and were in a state of preparation for service at a moment's warning. The heights of Dorchester (or South Boston) were fortified ; and a new fort built on Noddle's Island, opposite to the town, in

an eastern direction, chiefly by the voluntary labours of the people of Boston and vicinity. Many of the citizens, also gave their service, in putting the United States fort on Governor's Island in a more efficient condition than it had been for some time before. Intelligence from Europe, at this time, was not favorable to a speedy restoration of peace. The necessity of defensive measures became more apparent. In Boston, as well as in many other places, public meetings were held, at which all political parties attended, and united in recommending further means of preparation and defence.

CHAPTER XI.

Mr. Strong re-elected for 1814.....Extracts from his speech to the Legislature.....Extracts from the answer of the Senate and House of Representatives.....General alarm on the seaboard, and militia called out.....A million of dollars appropriated for defence.....Forts built.....Citizens volunteer their services.....Castine taken by the enemy.....Arrangements with commanding officer of the United States.....Objections to the plan.

Mr. Strong was elected Governor for the year 1814, by a large majority of the votes of the people, which was justly considered an expression of their approbation of his public course during the two preceding years. The majorities of both branches of the General Court, also, approved of the policy of Governor Strong, and supported him in all the measures he proposed. Great efforts were made, however, by those who were in favour of the war, to elect rulers of different political views.*

* The political opponents of Mr. Strong supported Samuel Dexter for Governor. Mr. Dexter was at Washington when he was proposed as a candidate by the Democratic party. But he addressed his fellow citizens of the State on the subject. He did not expressly refuse to be a candidate, and yet declared that he was not one of the party who had nominated him. He also condemned the policy of the war and the anti-commercial measures which led to that event. He said "the Embargo overleaped the bounds of the Constitution ; that it was unjust and oppressive to the commercial part of the community ; that

Governor Strong never wished to assume any power which was not given him by the Constitution for the public welfare; and never attempted to dictate to the Legislature what measures it would be proper for them to adopt; at the same time, he did not shrink from an expression of his opinions, nor from suggesting what he believed important and necessary to be done. The Representatives indeed acted under a deep conviction of their accountability to the people, and of their having important public duties to perform for the prosperity of the State. And so far were the rulers and representatives from urging or exciting their fellow citizens to any acts of opposition to the general government, that they exerted their influence to keep down the spirit of discontent, which was manifested in various parts of the State; and particularly among the people on the sea board, who were suffering very severely by the war. The Governor, repeatedly, in his public speeches, exhorted the people to moderation and forbearance; and the Representatives, while they readily made known the grievances and sufferings of their constituents, and at their request, remonstrated to Congress against the war, never failed to recommend to them to seek for redress only by legal and

it was impossible to execute it; and that the attempt to execute it corrupts the people by destroying the correct habits of the merchants, and rendering perjury familiar." Still he seemed to be of the opinion that as war had been declared by the competent authority of the country, the national government, it was proper to join in prosecuting it, that it might be sooner brought to a successful issue. Governor Strong received almost as large a majority of votes as he did in 1813, when the opposing candidate was far less talented or impartial than Mr. Dexter.

constitutional means. It was a great satisfaction to Governor Strong, that, during the critical period of the war, his constitutional council and advisers were wise, intelligent and patriotic characters. Those elected for 1814 were Generals Cobb and Brooks, Honorable James Lloyd, Benjamin Pickman, Samuel Fales, Oliver Fiske, George Bliss, John Lord and Nahum Mitchell.

The Governor had so often and so recently given his opinion respecting the war and the effects of it, that, on his election, in May 1814, he did not go very fully into the policy of the measure. But it was evident his opinions and views on the subject were not changed. For it was not his desire to find fault with the national government, nor to increase the discontent and opposition of the citizens of the Commonwealth. His sentiments may be gathered from the following paragraph in his Speech to the Legislature.

“ Since the last session of the Legislature, the embargo and non-importation laws have been repealed. This measure must afford peculiar pleasure to the people of this State, and it seems to indicate a more mild and pacific disposition in the general government, and may be considered as a final relinquishment of that restrictive system, the distressing effects of which we have abundantly experienced in the course of the last seven years ; and which, however, designed to operate against a foreign nation, has been found to be far more injurious to ourselves. The last embargo law interdicted the right of navigating from port to port within the limits of the State, and fishing on its coast, from which we suffered, probably, more than the people of any other part of the nation. But

though these provisions and some other parts of the act were generally believed to be infringements of the Constitution, we have not heard of any violence in opposing them. Our fellow citizens are entitled to much credit for the exercise of that forbearance which was recommended by the late Legislature. From the time that war was declared, a great proportion of the people in this State have viewed the measure as unnecessary and unjustifiable. Their sentiments were well expressed by their Representatives then assembled, and afterwards at every subsequent meeting of the State Legislature. Our national rulers, therefore, had no reason to expect, that, with these sentiments, we should do any thing more in support of the war, than they had a right, by the Constitution, to demand; and they could not expect it unless they supposed us destitute of all moral principle. Nor has the manner of conducting the war had any tendency to satisfy us of its policy or justice. It was commenced and is still prosecuted against the unoffending inhabitants of Canada. But as Congress have authority, by the Constitution, to declare war, and to impose taxes to defray its expense, we are bound to obey the laws which are duly enacted for that purpose; and I am happy to observe, that none of the measures of the general government have been opposed by force or violence, and that no dangerous commotions have disgraced the people of this Commonwealth."

The answer to the Governor's Speech, both from the Senate and from the House of Representatives, afforded proof of the agreement of the citizens, very generally, with the opinions expressed by the Chief Magistrate. He was elected, this

year by a majority of ten thousand votes ; and more than two thirds of the Representatives had the same views of the war which the Governor entertained. Some extracts from the answers of the two branches of the General Court will exhibit the sentiments of the majorities in each.

“ The injuries which the people of this Commonwealth have experienced, and the sufferings they have endured, from the oppressive measures of the national government have been great and manifold, and have been borne with a patience almost unexampled. Among these measures, the system of commercial restrictions, which for nearly seven years has been so cruelly enforced, is not the least considerable. Under the operation of this system, our citizens have been driven from their accustomed employments, deprived of the means of subsistence, and cut off from all the sources of wealth. Not only has their intercourse with foreign nations and the neighbouring States been prohibited, but they have even been interdicted the right of navigating from port to port within the limits of the State and of fishing on its coasts.

“ Powers, which the people of this Commonwealth had never delegated to the national rulers, have been exercised with great severity for their distress and impoverishment : and rights, which they never surrendered, have been torn from them by a ruthless violence, under the forms of law. And to oppressions and restraints, alike hostile to the principles of civil liberty and the express provisions of the Constitution, it was not to be expected, that a free people, jealous of their rights, would long submit in silence.

“ The sentiments of the people of this State, as

well as of their Legislature, upon the subject of the war with Great Britain, have been so often expressed, that it is unnecessary for the Senate to repeat their solemn conviction of its injustice. Our national rulers and the world well know, that the sons of Massachusetts, the legitimate descendants of those who achieved our Independence and founded the American Republic, are not regardless of the rights, the honor, or the interests of the nation. They know full well, that in a just and necessary war—a war for the maintenance or defence of either of these great objects, no sacrifice would be deemed too great, and no privations intolerable.

“In the opinion of the Senate, it is not only the right, but the duty of a people, mindful of what they owe to their country and posterity, to oppose by all peaceful and constitutional means, a war thus declared and thus prosecuted. But we are happy to observe, that none of the measures of the general government have been opposed by violence, and that no dangerous commotions have disgraced the people of this Commonwealth. The war has been one of great expense and suffering; and may be one of disgrace to the rulers of the nation; but we trust and believe it will not terminate in our slavery and subjugation.”

In the answer of the Representatives, after congratulating the Governor on his re-election, they observe, “that, in this event, they perceived with the highest satisfaction the renewed pledge, given by the people of the State, of their determination to maintain and support those great principles of public policy, which had characterised his administration.” Referring to the Embargo law, which was passed in December, 1813, they say, “this

act, not only overleaped at once the limits of constitutional authority, but manifested an open and undisguised attempt to establish an arbitrary despotism, enforced by military power, not sanctioned even by the forms of legal process, and utterly subversive of the first principles of civil liberty. What are the high and invaluable privileges which distinguish a free people from the slaves of a capricious despotism? Are they not these,—to be at all times secure in their persons, property, and pursuits,—to be governed by known and equal laws, and to be judged only by legal and constitutional tribunals? Yet how deeply does the act mentioned entrench upon all these rights and privileges? After a general prohibition of the coasting trade, the President was authorized to give permission to individuals, at his pleasure, which must necessarily introduce an odious system of favouritism.

“We concur with your Excellency in commending the forbearance and moderation which have been uniformly displayed by our fellow citizens, under their various privations and sufferings. Though deeply imbued with the love of civil liberty, yet they are impressed with the love of order, of good government, and of respect for the laws. The love of liberty, which animates the people of this Commonwealth, is not the unprincipled licentiousness of such as seek, in violence and civil commotion, the gratification of selfish passions; but a firm and unshaken attachment to their constitutional rights, regulated by wholesome and energetic laws. Grossly, therefore, do those mistake the character of our citizens, who regard their forbearance as the result, either of that ignorance which cannot discern, or of that pusillanimity which will not protect their essential rights.

“The House of Representatives still deeply laments, in common with your Excellency, the continuance of the war in which we are involved. This House has invariably expressed its disapprobation of the measure. We can only add, that we concur with our predecessors in the belief, that it was neither necessary, justifiable, nor politic. We have no hesitation, therefore, in expressing our firm conviction, that as men governed by moral principle, it is still our duty to abstain from every voluntary act, which would give encouragement to the prosecution of the war. We shall, however, concur in any measure, which may be considered expedient, for defensive purposes ; and which may become necessary, in consequence of the neglect of the national government to employ the means which the constitution has put into their hands to provide for the common defence and general welfare of the people.”

Before the General Court was prorogued, in June, one million of dollars was voted for providing the means of defence to the State, to be expended in such manner as the Supreme Executive should judge proper. By this resolve, the members of the Legislature gave the highest proofs of their confidence in the integrity and judgment of the Governor. This additional appropriation was rendered necessary, by the increase of the enemy's ships on the coast, and by the voice of the people, that, in their exposed situation, greater means of protection and safety should be provided. For the invasion of Canada, by the national troops, the British seemed to retaliate, by annoying the inhabitants of the United States on the sea board. The alarms were so frequent and so extensive, that a

great portion of the citizens of Massachusetts were under arms, most of the time, for several months.

In the month of June, an arrangement was made by the Adjutant General* of the Commonwealth

* General John Brooks was then that officer. But difficulties arose on the occasion of calling out this detachment, which rendered it prudent, if not necessary, afterwards to decline placing the militia under the command of an officer of the regular army. The organization proposed by the officer of the United States army was different from that to which the citizens had been accustomed, or required to conform; and by which the militia companies would be wholly deranged, taken from the command of officers of their own choice, and subjected to that of officers, who were strangers to them, and whom they had not elected. The militia officers themselves objected to the proposed organization, and remonstrated against the command of officers in the United States army, except that of the General in chief.

The greatest number of the eleven hundred men, called out in compliance with the request of the United States officer, and placed under his command, were by him ordered to Fort Warren in the harbour of Boston. The residue were ordered to Castine and Eastport in Maine, to be placed in the forts of the United States, before these places were taken by the British. One of the officers of the militia placed in Fort Warren was of the rank of Colonel, and two of them were Majors; and they were put under the command of a Colonel of the United States army. What added to this untoward circumstance, was the fact, that the officer who then commanded the fort, was, a short time before, in the militia of Massachusetts, in the same Brigade, and of an inferior rank, to one of the officers now placed under him, and had been censured for unmilitary and improper conduct.

In the month of July, Eastport, on the Bay of Passamaquoddy, was attacked and taken by the enemy. The United States had a fort at this place, in which at the time were seventy-five men, under command of a Major. The British force was considerable, both in vessels and men. The fleet consisted of seven armed ships.

Colonel (afterwards General) Sumner, who was at that time an aid to the Governor, was sent to Portland, and other places

with Brigadier General Cushing, then the commanding officer of the United States on the station, on the request of the latter, to call out all the militia of Boston and vicinity, if it should become necessary to repel an invading enemy ; and the militia, when so called out, were to be under the direction of General Cushing, though the officers of the militia were to retain their respective stations of command, as they had been elected. On the removal of this officer to another station, General Dearborn again had the command, as an officer of the United States, in Massachusetts ; and when, in July, he requested that the militia should be called out and placed under his command, to the number of 1100 or 1200, the Adjutant General was directed by the Governor to call out the militia, as asked for, if a similar arrange-

in Maine, clothed with discretionary power to direct in the measures of defence by the militia in that part of the State. It was also expected of him to give early and correct information to the Supreme Executive, as to the situation of public affairs in that quarter. He had much to accomplish, and proved a faithful and efficient officer. By his advice and influence, an arrangement was made for calling forth the militia to protect the town of Portland, and putting them under a General officer of the United States, commanding in that place. But that officer was soon called to a distant service, and an officer of the rank of Major left in command. The militia officers, therefore, absolutely declined the service, when ordered out. The citizens of the place, however, prepared for its defence, with all the means at their command. See Appendix.

By the general order of the Governor, of July 18, 1814, the Major Generals near the sea coast, were required to inspect anew their respective divisions, and to have them in readiness to march, at the shortest notice, for the protection of any place in their vicinity, which might be attacked or invaded. This was in addition to the specific order for a detachment of 1100, in compliance with the request of General Dearborn ; though the orders were issued at the same time. See Appendix.

ment could be effected, to that made with General Cushing. This was full proof of a disposition in Governor Strong to act in concert with the officers of the national government, for the public defence, when the exigency existed to require it.

On the first of September, the town of Castine, in Maine, was taken by the British, who came with a large fleet, consisting of thirty vessels, among which were two seventy-four gun ships, and several frigates, and upwards of 3000 troops. The enemy came unexpectedly, and no resistance was made by the inhabitants. It could not have been defended without a great number of troops; nor be retaken from the enemy, without a naval force superior to them. The governor was censured for not attempting to drive off the British and to take possession of the place; but the attempt would have been utterly vain, with any force at the command of the Executive of Massachusetts; and the militia were also needed to prevent the capture or plunder of many other towns. The British remained in possession of Castine until the intelligence of peace arrived the following Spring; but they were charged with very few acts of depredation on the inhabitants of the place while they continued there. On their first arrival, however, they landed at Belfast, Hampden and Bangor, where the troops committed various outrages. The British officers conducted with less violence, and pretended to be unable to restrain their men in all cases. Their principal object in going up the river, it was supposed, was to take an American sloop of war then lying opposite to Hampden. The commander ordered his ship burnt, to prevent her falling into the hands of the enemy. The mi-

litia were collected at that place under General Blake to oppose the British. But his force was not sufficient to withstand them. Some skirmishing took place; and two of the militia were killed and several were wounded.

It was pretended by the opponents of Governor Strong, that he was averse from affording any assistance to the people, even when there was real danger. But not only his declarations go to disprove the charge, but his acts also, by which he placed the whole State in an attitude of defence, and recommended, repeatedly, to the Legislature, to provide the means of protection. If the Adjutant General advised to or suggested the plan of placing the militia under the United States officers, the Governor readily consented, insisting, indeed, that they should not be marched out of the State, nor have their officers removed. In 1814, when invasion threatened and danger was imminent, the Governor consented to put the militia under the command of an officer of the United States, in several instances—but the officers of the militia remonstrated against it.

The following extracts from letters of Governor Strong to the Adjutant General are further in proof of his willingness to afford assistance by the militia, in time of danger. In a letter of June 12th, 1814, he said, "I have just received your letter inclosing one from Commodore Bainbridge, and I am disposed to do every thing in my power to aid his views in defending the town of Boston and navy yard at Charlestown and the ships in the harbour, so far as my authority, by the Constitution will warrant. And in the present case, I see no difficulty in complying with his or General

Cushing's verbal request (which you stated to me yesterday) that a company of militia be called out to guard the approach to the navy yard, by Chelsea ; and also that in case of imminent danger of attack, a requisite number of the militia be called to Forts Independence and Warren, to be under the command of General Cushing, as he proposed, and to be discharged when the danger ceases."

On the 12th July, in a note to General Brooks, he said, "I have received a request from General Dearborn, that the necessary orders may be issued for detaching a number of the militia for the defence of the sea coast within this State. It appears to me, that the danger now apprehended of an invasion will justify a call of this kind by the national government, and a compliance with it on my part. General Dearborn proposes fully to communicate to you his views, as to the particular destination of the militia which may be detached. His suggestion, that they should be taken as far as may be, from the vicinity of the respective posts, to which they are to be called, I think is reasonable and proper. The militia, in that case, will be less burdened, and will feel more responsibility: For young men, at a distance from their homes, are apt to forget what is due to their own character, and the restraints of a moral kind, which regulate their conduct. As a number of the militia have been lately called out to defend the towns on the sea coasts, perhaps, the same may be designated as a part of the force required by General Dearborn. If you can make such arrangements with General Dearborn as were proposed by General Cushing, it will be satisfactory to me."

At this time, the Governor issued a general order, as commander in chief of the militia of the State, calling upon the officers of Brigade and Division near the sea coast, to see that those of their respective commands were in readiness for service and action whenever summoned to the field. The Major Generals of the first, second, third and fifth Divisions, which include the counties of Suffolk, Essex, Middlesex, Plymouth, Bristol, and Barnstable, and of the Divisions, to which belong the counties of York, Cumberland, Lincoln, and Hancock, were particularly mentioned in the order and directed to be on the alert to prepare to meet attacks in their vicinity, however suddenly made. Major General King, in the county of Lincoln, was authorised to call out the militia, and to place a part of them in the United States' forts on Kennebec, Sheepscut, and Damariscotta rivers, if he should consider it necessary, or suppose they could there defend the towns with the best effect. He was very active in devising measures of defence; and usually consulted with a national officer of the rank of Colonel, then stationed in that quarter. He also gave full information to the Governor, of the conduct of the enemy on the coast, and of the wishes of the people as to the means of defence. On several occasions, the militia were called out by his orders; but only at times when the enemy's ships were near; nor were they kept in service when danger no longer existed.

The collision, which at any time took place between the Governor of Massachusetts and the chief officer in the United States' service in the District, was owing to a requisition from the latter when no invasion existed, or immediately

threatened ; or when the militia were to be commanded by other officers of the regular army, besides the General in chief on the station. The organization proposed by the officer of the United States was obnoxious to the militia officers. They presented remonstrances against it to the Governor and to the Generals of Division to which they belonged ; and in one case all the officers of a Brigade which had been called out near Portland, refused to march, on that account. The General officers in and near Boston, when interrogated by the Governor, expressed the opinion, that such an organization of the militia could not be effected. Still, the militia turned out with great alacrity, whenever required. In the month of September, orders were issued, on request of General Dearborn, for the militia within twenty-five miles of Boston, and near the coast, to be in perfect readiness to march at any moment when called for. A few days after when there was an alarm in Boston, nearly 3000 from the county of Norfolk assembled on the Common in that town, within twenty-four hours after the order was issued. The sentiment universally prevailed, that, whether the war was at first expedient and proper, or not, it was an absolute duty to defend the Commonwealth against the enemy ; and to shew them that when the country was in danger no service would be withheld.

In some cases, however, the plan of putting the militia under the chief command of the United States' officer, while they were commanded immediately by their own officers, was carried into effect. In consequence of an agreement with Major General Dearborn of the United States' army, the militia, amounting to nearly a Brigade, were

placed under his command, in the fall of 1814, and ordered to Fort Warren, in the harbour of Boston. They were commanded by Brigadier General Dearborn, of the first Brigade and first Division, son of the United States' officer, and in compliance with his particular request; although there were older Brigadier Generals in the Division. On request of Major General Dearborn, in the month of September, it was proposed to call out a Division of the militia for three months, to be stationed in and near the capital of the State, and to place them under his command; but there were so many objections to this arrangement by the militia, both men and officers, that the Governor considered it proper to relinquish it.

This course was adopted by the Supreme Executive, in conformity to the sentiments and feelings manifested by the great body of the people. Many intelligent citizens, who were as much dissatisfied with the war as the Governor was, approved of the policy of this conduct. It was evident the exigency existed, and that the Governor had acknowledged it, for calling the militia into the service of the United States. How far a desire to comply with the opinion of the people, in a republican government, is an apology for deviating from the course clearly required by law and the Constitution, may be a question with many honest Statesmen. But may be proper, to be governed by considerations of expediency, when the people generally, in a free government, are in a state of high excitement. The situation of the country was such as to require the service of the militia; but at the same time, it would have been hazardous to compel them into that service, on the conditions

proposed by the United States' officer in the District. Though the service was not rendered precisely in the way required, it was promptly and efficaciously performed. The circumstances of the case might furnish an excuse, if it did not fully justify the course pursued by the Executive authority of Massachusetts.

A Division was immediately called into service, and stationed at Dorchester, about four miles from Boston. But they were not put under the command of the officer of the regular army. A Major General of the Militia was appointed to command them; and had two Generals of Brigade under him. This detachment remained at Dorchester about two months, when they were discharged, it being supposed the enemy would not attempt any invasion during the winter. They were taken from the western Counties of the State, and from the interior, while those who resided near the sea coast were required to be in readiness for the defence of their respective towns. A reserve corps was stationed at Cambridge, three miles west of Boston, for the purpose of aiding in the defence of the Capital and the Navy Yard, if an attack should be made by the enemy.

These measures were attended with great expense to the State; but it was considered necessary to call out this large body of men, to quiet the fears of the people, for which there was far greater cause, than at any former period of the war. Attacks had been made on most of the large towns in various parts of the country, as well as within the State of Massachusetts, and it was believed that an attack was meditated on the town of Boston, and the navy yard at Charlestown in the vicinity.

The Governor wrote to the Secretary of War, at this time, stating the great expenses incurred by the Commonwealth in the measures of defence which had been adopted by the State authority, as there were no regular troops of the United States ordered for its protection; and requesting assistance from the general government. The Secretary of war replied, that no expenses for the militia would be reimbursed, except in cases where they had been called out in compliance with the requisition of an officer of the United States.* Nor did he promise money or troops for future protection. And thus the State was abandoned to destruction or great calamity and expense, by an act of the general government, and was obliged to provide for its own welfare at the expense of its citizens, while it was contributing its full share to the public treasury of the nation.

* But the national government did, in 1793, 4, order reimbursement to be made to the State of Georgia, for expenses of the militia to protect the inhabitants against the Indians, who had been called out by the Governor, without any direction from the President of the United States. But as it was considered that the measure was proper, Congress voted to pay the expense. And in several instances where the militia were called into service, without orders from the President, but where the danger required it, in 1813, and 1814, the expense was paid by the United States.

CHAPTER XII.

Extra meeting of General Court in October 1814.....Extracts from the Message of the Governor to the General Court.....Report and Resolutions of the Legislature.....Further measures proposed for defence of towns on the sea coast....A convention recommended of delegates from the New England States.....Places defended by the militia.

Notwithstanding the power granted to the Governor in June, to provide the means of protection to the people, and much was done under his direction for the defence of the State, he called the General Court together in an extra session the 5th of October, to consult for the safety of the Commonwealth. The crisis was full of danger to the State; and the Governor did not choose to take upon himself the whole responsibility of the public measures, when there was so much alarm and discontent. It was not merely on account of the danger of occasional attacks upon the towns on the sea coast, that the Governor concluded to summon a special meeting of the Legislature: For he had power and means, by calling out the militia, to repel such invasions. But the hope of a speedy termination of the war had been extinguished, and the naval force of the enemy, on the coast, was greatly augmented. Thus the danger increased, and the expenses of defensive measures were accu-

mulating a heavy debt on the Commonwealth. The opinion also generally prevailed among the people, that some further means should be adopted to prevail on Congress to make peace, or to enable the State to prosecute the war, instead of drawing solely from its own individual resources.

When the General Court convened, the Governor immediately sent a message to both branches, in which he observed, that the war in which we were unhappily involved had assumed an aspect threatening and destructive; and thus a great change had taken place in the state of public affairs. He therefore thought an extra meeting of the Legislature indispensable, and the Council also advised to the measure. "At different times and for short periods," he said, "a few of the United States' troops had been stationed within the Commonwealth; but most of them having been withdrawn for the purpose of aiding in the operations against Canada, it was found necessary to call out a number of the militia for the protection of the places most exposed on the maritime frontier, and to furnish the citizens thereof with the means of defence." He then referred to the request of General Cushing to call out the militia and place them in Fort Warren, to defend the town of Boston, and the navy yard at Charlestown, in case of danger; (General Cushing having agreed that the militia should be subject to the command of no officer of the United States' army, except the General in chief of the District;) and his consent to the request, in the exigency of the period, and the absence of the regular troops in the service of the United States. The Governor referred also to the application of General Dearborn in July, for eleven hundred of the militia, to be placed (principally)

in the forts of the harbour of Boston; to which, he said, he gave his consent, on the condition, that the Adjutant General would make the same arrangement respecting the militia officers, as had been made with General Cushing, when he commanded on the station, a short time before.*

The Governor then mentioned the other requisition of General Dearborn, in September, for five thousand of the militia; chiefly for the defence of Boston and Charlestown; but in part also for that of towns in the counties of York, Cumberland and Lincoln. With this request, the Governor said he did not comply, because of the difficulties and objections before stated. Before the last application was received, he had issued an order, dated September the 6th, for a division of the militia to be detached from the interior of the State, and to march to the vicinity of Boston. This order was promptly carried into effect, and a Major General of the militia was appointed to command them. But had there been any attack on the forts in the harbour, or on the navy yard at Charlestown, no doubt they would have been ordered to act in conformity to the wishes of the commanding officer of the United States army, on the station. The Governor concluded his message, by observing, “that the situation of the State was very dangerous and perplexing. We have been led, by the terms of the Constitution, to rely on the general government to provide the means of defence; and to that gov-

* These militia were called out, and ordered by Gen. Dearborn to fort Warren, where difficulties arose on the part of the officers, as before mentioned; which afterwards prevented the placing of the militia under command of the United States officer.

ernment, we have resigned the revenues of the State. It has declared war against a powerful maritime nation, whose fleet can approach every part of our extended coast ; and we are disappointed in the expectation of a national defence. But though we may believe the war was unnecessary, and has been prosecuted without any useful or practicable object against a province of the enemy, while the sea coast of this State has been left almost wholly defenceless ; and though in such a war, we may not afford voluntary aid to any of the offensive operations, there can be no doubt of our right to defend our possessions and dwellings against any hostile attacks.”

The committee, to whom the Governor’s message was referred, made a report ; from which the following paragraphs are given.

“The state of the national treasury requires a great augmentation of existing taxes ; and if, in addition to these, the people of Massachusetts, deprived of their commerce and harrassed by a formidable enemy, are compelled to provide for self defence, it will soon be impossible for them to sustain the burden. There remains to them no alternative but submission to the enemy, or the control of her own resources, to repel his aggressions. It is impossible to hesitate in making the election. This people are not ready for conquest or submission. But being ready and determined to defend themselves, and having no other prospect of adequate means of defence, they have the greatest need of all those resources derivable from themselves, which the national government has thought proper to employ elsewhere. Your committee is also of opinion, that, if the war is to continue, provision

should be made for a military force, in addition to the ordinary militia; that a considerable force must be embodied and maintained ready to meet the enemy in his varied enterprises; that the continual calls upon the militia to march from home at all seasons, and to remain at a distance from their families, will be the most oppressive and least economical of any mode of defence, which can be devised, in a protracted warfare.

“But while your committee think, that the people of this Commonwealth ought to unite, and that they will unite, under any circumstances, at the hazard of all which is dear, in repelling an invading foe, it is not believed, that this solemn obligation imposes silence upon their just complaints against the authors of the national calamities. It is, on the contrary, a sacred duty to hold up to view, on all occasions, the destructive policy by which a state of unparalleled national felicity has been converted into one of humiliation, of danger and distress; believing, that unless an almost ruined people will discard the men and change the measures, which have induced this state of peril and suffering, the day of their political salvation is past.

“It is not to be forgotten, that this disastrous state of affairs has been brought upon Massachusetts, not only against her consent, but in opposition to her most earnest protestations. Of the many great evils of war, especially in the present state of Europe, the national rulers were often warned by the people of Massachusetts, whose vital interests were thus put in jeopardy.—But the general government, deaf to this voice, and listening to men distinguished in their native state, only by their disloyalty to its interests, and the enjoyment of a

patronage bestowed upon them as its price, have affected to consider the patriotic citizens of this great State as tainted with disaffection to the Union and with predilections for Great Britain, and have lavished the public treasure, in vain attempts to fasten the odious imputation."

Resolutions were also offered by the committee, and adopted, of the following import—"That the calamities of war being brought home to the territory of the Commonwealth, the sea coast invaded, in many places, and exposed to immediate danger in all, the people of Massachusetts are impelled by the duty of self defence and by all the feelings and attachments which bind good citizens to their country, to unite in the most vigorous means for defending the State and repelling the invader; and that no party feelings or political dissensions should interfere with the discharge of this exalted duty—That a number of men be raised not exceeding 10,000, for twelve months, to be organized and officered by the Governor, for the defence of the State—That the Governor be authorized to borrow from time to time, a sum not exceeding one million of dollars, and that the faith of the Legislature be pledged to provide funds for the payment of the same—And that persons be appointed as delegates from the Legislature, to meet and confer with delegates from other States of New England, upon the subject of their public grievances and concerns, upon the best means of preserving our resources, and of defence against the enemy, and to devise and suggest for adoption by those respective States such measures as they may deem expedient; and also to procure, if they think proper, a convention of delegates from all the United

States, in order to revise the Constitution, and more effectually to secure the support and attachment of all the people, by placing all upon the basis of fair representation.”

These resolutions were adopted, in the Senate, by a vote of 22 to 12 ; and in the House of Representatives, by a vote of 250 to 70.

A few days after, the committee made another and further report on the state of public affairs ; from which the following extracts are taken, expressive of the views of the General Court at that period.

“ In the opinion of the committee, the application to the Secretary of War, for aid and means, for the protection of this State, was highly proper ; and that the reply of the Secretary is of a character justly to alarm the citizens of this Commonwealth. It is provided by the Constitution, that the United States shall guarantee to every State in the Union, a republican form of government, and shall protect them against invasion. To enable the United States to do this, power is given to call forth the militia “ to repel invasions,” to provide for organizing, arming, and disciplining the militia, for governing those employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

“ Before the adoption of the national form of government, the State of Massachusetts possessed every attribute of sovereignty ; and the people would not have surrendered those relating to peace and war, to negotiation with foreign powers, and to the resources of the State founded in taxation, but on

the assurance that the surrendered powers would have been used to provide for the common defence to protect the State against invasion, to promote the general welfare, and to secure the blessings of liberty to them and their posterity. At a moment, then, when a war, commenced by our national rulers, is prosecuted to conquer the provinces of the enemy, and is retaliated on the Atlantic States with powerful fleets to desolate the country, the committee cannot but consider the answer of the Secretary of War as evidence of a disposition on the part of the national administration to withhold the equal benefits of the Union, to which this Commonwealth is entitled.

“It appears by this answer, that the national rulers, soon after the declaration of war, anticipated danger to the sea board; and though it was certain the Atlantic frontier would be invaded, the troops of the United States were employed to effect the conquest of Canada, and the only provision for defence was to divide the United States into military districts, with a few regular troops, under the command of an officer of high rank in the national army, with power to call for the militia as he might think proper. If this system was intended as a performance of the responsible duties which the general government owed to the individual States, it behoves Massachusetts to inquire, whether those acts were a performance of those duties; and if not, to seek that redress which is consistent with its rights, and to ascertain the measures necessary to be adopted to meet the dangers, which the policy of the national rulers has produced.

“To the inquiry of the Governor, whether the

heavy expenses incurred for the defence of this State, when no adequate protection was afforded by the general government, would be reimbursed, the Secretary of War replies 'that the measures adopted by a State for its defence, must be considered as its own measures ; and the expenses attending them are chargeable to the State, and not to the United States.'

"When the people of this Commonwealth call to mind, that since the adoption of the federal constitution \$30,000,000 have been paid into the treasury of the United States from this State ; when they reflect that \$300,000 are now to be collected, as a direct tax, that of \$11,660,000 already appropriated for this year, they must pay 1,265,000, and that the proportion of this State of the 50,000,000 to be raised in 1815, will exceed \$5,000,000, they cannot learn, without indignation, that no part of these sums are intended to be applied to defray expenses incurred by them, in protecting themselves against invasion, except when the militia have been called for by an officer of the United States' regular army, and the expense incurred under his direction."

The general orders of the Governor of Massachusetts, of September 6th, 1814, as well as that of July 18th, in the same year, and those issued July 3d, 1812, directing the *whole* of the militia in the State to be in readiness to *repel invasion*, when it had actually taken place, or when immediate danger threatened ; and requiring the officers not only to inspect their respective regiments, Brigades and Divisions ; but to march with such portion of men under their command as the case required ; were proof of good judgment, a regard

for the rights of the people, and a disposition to provide for the public welfare of the Commonwealth, so far as the Constitution of the State or Union gave him authority. No doubt, great expenses were prevented by the system which was adopted by the Governor, and the rights of the militia preserved inviolate. Adjutant General Brooks, under whose immediate direction the orders were issued, and who was highly esteemed by the Commander in Chief, both for his bravery and prudence, probably suggested the details ; but the principles which were adopted, and which governed in the measures of defence, must have been approved by the Governor himself.

A distinction was made, at a subsequent period, between the services rendered by the militia in the counties of Plymouth, Bristol, and Barnstable, and belonging to the fifth Division, under Major General Goodwin, and those performed by the men in other Divisions. It was said, that the services of the former were more patriotic, having been entirely voluntary ; and therefore justly entitled to remuneration. But there was no just foundation for this distinction. In all places, the militia turned out voluntarily and readily ; but, strictly speaking, not without orders from the Commander in Chief ; for all detachments of the militia were made by authority, emanating, originally, from his orders of July 3d, 1812, of July 18, and Sept. 6, 1814. The Major General of the fifth Division referred, in several of his orders for calling out the militia, to those of the Governor before issued, directing all the higher officers of the militia to repel attacks and protect the inhabitants. He also observes, in a public letter of February 1817, that

the Commander in Chief was pleased to devolve on him the responsibility of the care and management of the Division, in case of invasion or danger.

The militia of the fifth Division were called out during the months of August and September, for the defence of several towns within its limits ; as New Bedford, Fair Haven, Wareham, Falmouth, Barnstable, Chatham, Duxbury, Plymouth, and Scituate : and they obeyed the call with promptitude and cheerfulness. But the calls on the militia were equally frequent in the vicinity of Boston ; and of Portland, Bath, and Wiscasset, in Maine. There was a great amount of shipping in these ports, which, probably, induced the enemy to invade these places rather than some others equally accessible. At Wiscasset, there was a large number of the militia assembled for several weeks, taken from Generals Sewall's and King's Divisions. Nearly the same number were ordered out, at Bath and Phippsburgh, on Kennebec river. At Belfast, Thomaston, Camden, Cushing and Bristol, detachments were also called out for the defence of the inhabitants.

Except at Eastport and Castine, which they took and retained the possession of, the enemy landed at a very few places, though his ships were hovering on the coast for some time. For the militia were in readiness to repel his attacks ; and seasonably repaired to such towns as were in danger, to prevent a landing. In all the large towns in the State, which were accessible to the British ships of war, the militia collected, as promptly ordered by their officers ; and thus prevented any invasion which might have been meditated.

Governor Jones of Rhode Island proffered the service of the militia in that State, to Massachusetts, if a formidable attack should be made on the capital, as was seriously apprehended in August and September, but their assistance was not required. This patriotic act was duly appreciated, however, by Governor Strong; who, in return, gave assurances of a willingness to aid in the protection and defence of Rhode Island.

CHAPTER XIII.

Convention at Hartford.....Result of the meeting.....Approved by the Legislature of Massachusetts.....Extracts from Governor's Message.... State Rights.....Mr. Gore's speech in Congress respecting the Militia.

Before the General Court adjourned in October, twelve eminent citizens of Massachusetts were elected to attend a Convention of Delegates or Committees from the New England States; to consult for the welfare of that part of the country, in the critical and exposed situation, in which it was placed by the war. The Convention was holden at Hartford, in the State of Connecticut, on the 15th of December, 1814. Besides those from Massachusetts, delegates were appointed to attend, by Connecticut and Rhode Island; and several counties in New Hampshire were represented, but the Legislature of that State declined choosing a Committee for that purpose.

This Convention was a subject of much discussion, at the time, as well as for many years after. A large majority of the citizens of Massachusetts approved of the measure; for they not only believed it perfectly proper, that intelligent men, in whom they had confidence, should meet to consult on measures for the welfare and prosperity of the State; but they expected that some remedy for

their grievances would be devised by the Convention. Some considered the plan inexpedient, and not as promising any permanent relief; and the friends of the national administration pretended to see in it the commencement of an opposition to the general government, which would end in the separation of the Eastern States from the federal Union.*

As far as the professions of honorable men may be considered sincere; as far as their votes and proceedings afford evidence of their designs; or as their public services and popularity, for many years, could testify to their patriotism—so far the conduct of those who constituted the Convention at Hartford might be approved or justified. It is not to be supposed, without proof, that their object was treason or disunion; and their proceedings unite, with their declarations and the sentiments entertained by those who appointed them, to show, that they neither purposed nor meditated any other means of defence, than such as were perfectly justifiable, pacific, and constitutional.

The Convention separated early in January, and the delegates from Massachusetts made a report of their doings, to the General Court, which was in session a few days after. The proceedings of the Convention were considered as very moderate and proper, by a great majority of the Legislature, by whom a vote of approbation and thanks was passed to those members, who were citizens of the State.

* The language of the people, generally, on the adoption of the resolutions for a Convention, and for other measures of relief, was, "that the Legislature had performed its duty with firmness; and that if other States would discharge their duty, also, a speedy termination of the war, renewed prosperity, and a lasting Union, would be the happy consequences."

The measures recommended by the Convention were “that an application be made to Congress for their consent to an arrangement, by which the several States, represented in the Convention, may separately, or in concert, assume the defence of their territory, at the national expense”—and “that certain amendments to the federal Constitution should be proposed to the States for their consent and adoption.” Neither of these propositions could justly be considered as tending to disunion, or to a forcible opposition to the measures of the general government. A collection of men like those who convened at Hartford, have a right to suggest and recommend alterations in the Constitution; though no such alterations could be made without the consent of Congress and two thirds of the States in the Union. The proposition was indicative of the moderation and wisdom of the Convention. Whether the alterations proposed would have been for the greatest permanent good of the nation, was quite another question. One was that Congress should not have power to make war unless *two thirds* of the members of both branches should approve and consent. Other amendments to the Constitution proposed were, that no embargo act should be passed for more than two months—that no law suspending commercial intercourse with foreign nations should be enacted unless two thirds of the members of Congress were in favor of it—that no one should be eligible for President of the United States, a second time; and that the representation in Congress should be according to the free population of the States. It was also advised that a request be made to Congress for aid to defend the State, when exposed to invasion in

consequence of a war declared by the government, which also had the control of all the revenue of the nation. This, certainly, was evidence neither of a desire to destroy the union of the States, nor of a determination to oppose the national rulers, in the exercise of any constitutional power. And it is remarkable, that, although this proposition was said by some of the friends of the administration to be unreasonable and proof of a desire to embarrass the government, yet Congress passed an act, in February 1815, soon after the proceedings of the Convention at Hartford were published, providing for the defence of the separate States, at the expense of the national government. By that act, the President was authorized to receive into the service of the United States any corps which might be raised, organized and officered by the authority of any State; which corps, when received into the service of the United States should be subject to the rules and articles of war, and *employed in the State raising the same, or in an adjoining State, and not elsewhere, except by consent of the Executive of the State raising the same.*

In the month of December, while the British were in possession of Castine, a request was made to the Governor, by the Secretary of War, to call out 5000 of the militia of Massachusetts, for the purpose of retaking that place. The Governor thought the attempt would be a desperate one; and replied, that, without the co-operation of a large naval force, the effort must be ineffectual, and attended, probably, with the loss of the lives of many citizens. A request was also made by the administration at the same time, for procuring aid from the State, to meet the expenses of the war—But the Governor answered, that the expenses of the

State were very great, inasmuch as it was obliged to provide for its own defence, and that it had no funds at command.

The winter of 1814, 1815 was a period of great anxiety and embarrassment. There was, indeed, no immediate danger from the enemy; but the long suspension of navigation and commerce had impoverished the people; and a war of nearly three years had subjected them to many privations and sufferings. The necessary articles of living were to be obtained only at a very high price; and the prospects of peace, which brings so many blessings, was faint and indistinct. But the patriotism and moderation of the citizens did not forsake them. With all their gloomy apprehensions, they had some hope of better times; and though they believed there were some sinister and party views in the disastrous policy which had been pursued, they were unwilling to believe that the national rulers would designedly depress any part of the country. It was very evident that the national administration was much embarrassed by the state of public affairs: The war was unpopular, the expenses attending it had been already very great; and it was difficult to obtain loans sufficient for the pay and support of the army. There was no hope of securing the objects, for which war had been declared; and several members of the cabinet resigned their places in disgust, or from want of harmony with one another. A change of ministers was called for, as it was believed other citizens might be selected to advise the President, more disposed to peace, and more able to conduct the war, if it should be necessary to continue it.*

* Mr. King of New York, Mr. *Cheris* of S. Carolina and Gen. *Brooks* of Massachusetts were most generally named.

As the Legislature of Massachusetts had an extra session in October, 1814, when all measures had been adopted for the protection of the State and the quiet of the people, which were considered practicable and just, there was little to be devised with reference to the war. The season was, in some measure, a protection to the people on the sea coast; and the Executive had been vested with sufficient authority to prepare for the continued defence and safety of the State. But the Governor spoke of the powers of the national government, which at that time were subjects of frequent and interesting discussion. Some of his sentiments thereon, as expressed in his message to the General Court, January, 1815, are therefore here presented.

“We have heard it observed,” he said, “that the State Legislatures have no right to express their opinions concerning the measures of the national government. But this doctrine is repugnant to the first principles of liberty; and the remark could not have been made by any one who had well considered the organization of our government, or the arguments used by the advocates of the federal constitution, when that system was adopted. The government of the United States is founded on the State governments, and must be supported by them; the Legislatures of the several States either elect the members of the executive and legislative branches of the national government, or prescribe the manner of their election. It would then be strange indeed, if they were denied a right, which the meanest citizen of every State enjoys. In the arrangement of the different powers, the State governments are, to many pur-

poses, interposed between the government of the United States and the people. If the latter think themselves oppressed, they will complain to their immediate representatives ; and the remonstrance of a State Legislature, on their behalf, will not often be slighted, by a wise and just administration.

“ The powers of the United States government are limited by the Constitution, which points out the extent of those powers, and the manner in which they are to be exercised. The Constitution, however, will be of little value, unless it is religiously observed. If at any time the national administration should disregard its authority, either by violating its express provisions, or by the assumption of powers not delegated to it, its commands would be unjust, and it would be chargeable with a dangerous abuse of confidence. The State Legislatures are the guardians, not only of individuals, but of the sovereignty of their respective States ; and while they are bound to support the general government in the exercise of its constitutional powers, it is their duty to protect the rights of the States and of their constituents ; and to guard the Constitution itself, as well against silent and slow attacks, as against more open and daring violations. The security thus afforded to the people would be lost, if the State Legislature were to be implicitly devoted to the views of the national government, or were deprived of their right to inquire into its measures.”

The subject of State Rights, generally, and of the constitutional power of the federal government over the militia, is so very important, that it may be proper to refer to the sentiments of a distinguished Statesman of Massachusetts, which were

expressed, at this period, in relation to it. They were delivered by Governor Gore, in the Senate of the United States, in January 1815, who was then a member of that Body.

“A question has sometimes been suggested, whether the Governor of a State has a right to judge, if the requisition for the militia be within the provisions of the Constitution. A little reflection on the nature of the government of the United States, and of a State, and of the relation in which the Supreme Executive of the latter stands to the United States, and to the citizens of his particular State, will show that he is obliged to examine, if the case for which the requisition is made be within the provisions of the Constitution; and if the purposes for which it is declared are clearly not within the powers delegated by that instrument, to withhold a compliance. The government of the United States can exercise no powers not granted by the Constitution; and so far as this government can support such as it claims on this charter, it is sovereign, and has no other controul than its own discretion. The government of each State is equally sovereign with respect to every power of an independent State, which it has not delegated to the United States, or is not prohibited to the several States by the Constitution. It is the duty of the government of each State to preserve unimpaired every right and authority, retained by the State. Whether the militia, the peculiar force of the several States, and that which is to protect and defend every right and power they possess, is called forth by the United States according to the provisions which they made, in delegating to this government its powers, must be a

question between two sovereign and independent governments ; and on which there is no tribunal authorized to judge between them. And if the Governors, who are the Commanders in Chief of the militia of the several States, should surrender this force to the United States, in a case not authorized by the Constitution, they would betray the trust confided to them by the people of their respective States. They must, therefore, examine the case, when called upon, and decide according as their duty, prescribed by the Constitution of the United States and that of their particular State, shall demand.

“The militia is a force which belongs exclusively to the several States ; and is so recognized by the Constitution of the United States. The government of the United States is a government of limited authority, and has no other powers than those granted by the Constitution. A power to call out the militia to provide for the common defence, or to *protect* against invasion, is nowhere granted to the United States, in express terms. All the authority of the United States over the militia is to call them forth to *repel* invasion, to execute the laws, and to suppress insurrection. The United States are bound to provide for the common defence. To *repel invasion* is included in this duty, and as invasion may be sudden, even in time of peace, and before the United States can bring their forces to meet an unexpected attack, the militia of the several States are granted to the United States from the necessity of the case, that they may provide for the common defence, *in such a particular situation.*”*

* Mr. Gore quotes Mr. Madison, as saying, “that the pow-

When the Legislature passed a resolution, approving of the proceedings of the Convention at Hartford, they voted to send agents to the federal government, to represent the exposed situation of Massachusetts, and the feelings of anxiety and apprehension, which agitated the people; the great expenses to which the State had already been subjected; and to solicit of the administration of Congress the means of future protection, as well as a reimbursement, in part, of what the Commonwealth had then advanced for the defence of the country. This was in pursuance of the recommendation of the Convention. The measure was also necessary to tranquilize the public mind. For if the war was to be prosecuted another season, and the general government afforded no means of defence to the State, the great body of the citizens would be liable to be called into service, as militia, to save the Commonwealth from depredation and plunder. Three distinguished and patriotic citizens were accordingly appointed to proceed to the seat of the general government, for this purpose. But the intelligence of peace was received by the administration, about the time the agents from Massachusetts reached the city of Washington.

A vote of thanks was passed, by both branches of the Legislature of Massachusetts, during this

ers of the federal government are no farther valid, than they are plainly authorised by the Constitution, and that in case of the exercise of other powers not granted by that compact, the States have a right and are in duty bound to interfere—nor can it be granted, that a power to act on a case when it shall occur, includes a power over all the means that may tend to *prevent* the occurrence of the case.”

session, to General Andrew Jackson, of Tennessee, and to his brave associates, for the defence of New Orleans, when attacked by a large British force on the eighth of January. This was considered a very brilliant affair, and commanded the plaudits of all parts of the country. General Jackson's force was small, and consisted chiefly of militia. His conduct on the occasion was highly commended, as well for the good judgment as for the bravery it displayed. Governor Brooks probably referred particularly to this event, when he observed in one of his public speeches, with respect to the war, "that it terminated gloriously."

The intelligence of peace, which was received in Boston about the middle of February, gave great joy to both political parties, and to all classes of people. It went far to allay the bitter disputes which had arisen in consequence of the war, and of the policy which led to it. The particular friends of the national administration rejoiced at the return of peace, though it had failed to obtain from Great Britain the objects for which war had been, ostensibly, waged;* and which, it had been said, with more of a spirit of boasting than of wisdom, must be secured before it would be terminated. But the state of Europe, as well as of the United States, made it the policy of the federal government to solicit peace. The debt of the United States had much increased, (in about the sum of \$150,000,000) and the revenue being

* Mr. King said in the Senate of the United States, when the treaty of Ghent was under discussion, that though it was preferable to a continuance of the war, it was less favourable than that made by Pinckney and Monroe in 1808, which President Jefferson rejected, without even presenting it to the Senate.

greatly diminished the credit of the nation, was consequently, very low. The people generally called earnestly for peace ; and in a free and popular government the rulers cannot stand long in opposition to public opinion. Peace to the great majority of the citizens, will always be preferred to war, unless the terms are very humiliating and inglorious, or involve a relinquishment of the rights and interests of the nation. The merchants were happy in having an opportunity to resume their enterprises, and their intercourse with foreign countries. This, indeed, they were not able to do to the extent of former periods. The commercial restrictions had been so severe, so general, and so long continued, that navigation received a shock from which it did not soon recover. The mechanics and farmers received encouragement for their labor, and were again well rewarded for their products and their industry.

But however inexpedient the war might have been, or however unwisely conducted by the administration, the American character for patriotism and bravery, lost nothing by this calamitous event. Though it continued only two years and an half, the land and naval forces of the United States gained great credit for their courage and heroism. In the battles on the land, perhaps, the American troops had not altogether so much to boast ; and yet in many instances they displayed great bravery and military skill. But the naval commanders gathered laurels in every clime. They often encountered ships of the enemy larger than their own ; and were almost invariably victorious. The British never before met so resolute and brave a foe on the ocean. The courage and prowess exhibited by

the American navy, both in the war of 1812, and that for liberty and independence, have given to it such a high character, that no foreign nation will, probably, hastily engage in a contest with the United States. Much credit might also be claimed for the militia of Massachusetts, who marched to places of danger, whenever ordered by their officers, without hesitation or delay. In the course of the war, the whole number called out, in Massachusetts, was estimated at 45,000 ; but most of them were in service only for a few days or weeks: and far the greater portion of them in the months of July, August, September and October 1814. The expense incurred by the Commonwealth for protection against the enemy, during the war, by its militia and military stores amounted to \$800,000.

When the news of peace arrived, the General Court of Massachusetts was in session in Boston ; and both branches joined in celebrating the joyful event, by attending public religious service, in which the Chaplains of the Legislature were requested to render thanks to Almighty God for the restoration of peace ; by a procession in which they were joined by all classes of the citizens of that ancient town ; and by a sumptuous feast afterwards in Faneuil Hall.*

The war of 1812 proved the occasion of increasing the manufacture of woollen and cotton cloths in Massachusetts. During the war, the non-intercourse and the embargo, these goods bore a very high price ; and many of the citizens were induced to engage in the manufacture of them within the

* It has been pleasantly said, that the citizens of Boston never have a great meeting, but they connect it with a good dinner.

State. At the session of the General Court, January 1815, twenty four companies were incorporated for the manufacture of woollen or cotton cloths ; but chiefly the latter. In some instances, this was an unfortunate enterprise ; but the general government afforded all the encouragement it could consistently give to domestic manufactures ; and in the following year the business greatly increased.

CHAPTER XIV.

Governor Strong re-chosen in 1815.....Extracts from his speech to the Legislature...Answer of the House of Representatives...Their opinion of the authority of the State.....Laws passed in 1816.....Message of the Governor in January 1816.....He declines being a candidate for re-election. General Brooks chosen Governor.....Sketch of his character.....Extracts from his first public speech to the Legislature, June, 1816.....His views of the Constitution approved.....Choice of Electors of President and Vice President of the United States.....Separation of Maine proposed..... Agents appointed to present claims to Congress.

Governor Strong expressed an ardent wish, this year, to retire from the public office he had so long held. He was now nearly seventy years of age ; and he had never been very ambitious of political life. After much solicitation from his particular friends, however, he consented once more to be a candidate for the office of Chief Magistrate of the Commonwealth, and he was re-elected Governor for 1815, by a large majority of votes.* His election this year, as well as for the three years of the war, was a sure indication of the wisdom of his public course during that very critical period, in the opinion of the great body of the people. His

* The votes of the democratic party were given for Mr. Dexter ; but it was said he did not consent to be a candidate in opposition to Governor Strong.

policy and measures were assailed, indeed, by a portion of the people, with severity and bitterness. The conduct, which was most condemned, was his withholding the militia, on a requisition for them, by the military officer of the United States' army, at a time when there was no invasion of the State, and none imminently threatening, and who proposed, also, to march part of them out of the State, and to station others in the forts of the United States; a service, which it was believed the militia were not bound to perform, and to compel them to do which would be a violation of their constitutional rights.

In thus declining to place the militia under the controul of an officer of the United States, the Governor assumed the right, as Chief Magistrate of the State, to judge of the exigency of the case, and to construe the Constitution for himself. As there was no invasion, in June, 1812, when the militia were called for, and no immediate danger of invasion of the State, he did not consider himself bound by the Constitution to order them out on the requisition of that officer. Admitting that the Governor did not intend to embarrass the national administration in prosecuting the war, still it was contended by some eminent Statesmen, that he was not correct in his opinion respecting the militia. But the doctrine advanced by Governor Strong, at that period, has been more recently avowed and contemplated by the Legislatures of other States. By those of Virginia, South Carolina, and Georgia, the right has been asserted of deciding what is the meaning and intent of the Constitution.

That the doctrine advanced by Governor

Strong, in 1812 and 1814, while the war continued, was agreeable to his deliberate and settled opinion, is evident from the following remarks in his speech to the General Court in June, 1815, after the war had terminated. "In the course of the war, the government of this State endeavored to conform its conduct to the principles of the Constitution, and faithfully to execute the duties enjoined by that instrument. Whatever complaints have been made of the construction we gave it, whether relating to the command of the militia, or the right of the national government to force the citizens into the ranks of the regular army, I think the experience and reflection of future times will confirm the correctness of our expositions; and I presume, that the members of the present general government would have adopted the same construction, at any period during the administration of the two first Presidents of the United States. Severe calamities are always incident to a state of war; but that state is still more to be deprecated, if it shall be understood to furnish the government with an excuse for adopting measures subversive both of civil and political liberty."

In their answer to the Speech of the Governor, the House of Representatives remark, "We presume it will not be denied, that, in the measures taken by the government of this Commonwealth during the late war, it was intended faithfully to execute the duties enjoined by the Constitution, and to be governed by its principles, according to a sound construction thereof. The course adopted has been attended by the most favourable results, and by the saving of great and useless expenses to the nation. It has also received the decided ap-

probation of the people, as expressed in their elections ; and we may cheerfully leave to the impartial judgment of future times to decide, whether the exposition of the provisions and principles of the Constitution, given by your Excellency and sanctioned by the other departments of this government, is not the most consistent with the purposes of that instrument, as well as the most favourable to civil liberty.”*

* The course pursued by the Executive of the United States in 1793, when the State of Georgia was expecting an attack from the Cherokee Indians, and applied to the general government for aid, may serve to exhibit the views which the administration had respecting its power over the militia. The Cherokees had manifested a hostile disposition towards the inhabitants of Georgia, and a formidable attack was apprehended from them. The Governor stated the dangerous and exposed condition of the frontiers of the State to the federal rulers, and requested protection. There were then very few or no regular troops in that part of the Union, and the President authorized the Governor to call out the militia for the defence and safety of the State, with a promise of payment for the service by the national government. The Governor was cautioned against all offensive operations, but the propriety of being prepared to act on the defensive, if the State should be invaded, was suggested to him. He was informed, by direction of the President, “that, in case of invasion, or imminent danger of invasion *only*, the calling out of the militia could be considered proper, on constitutional ground ;” and that “he was to judge himself of the degree of danger and of its duration, and would, no doubt, proportion the means of defence to the exigency.” The Secretary of War, in his letter to the Governor of Georgia, uses this language also—“the men must be called out in conformity to the militia laws.” The case of actual invasion of Georgia must be referred to the provisions of the Constitution ;” but “the proceeding with efficacy in *future* requires, that no unnecessary expense should be incurred in the meantime.” The Governor of South Carolina was also requested, by the President, “that, if Georgia should be invaded, and the Governor of Georgia wish his aid for defence, to march such

The Governor, in his Speech to the Legislature, and each branch, in its answer, expressed the opinion, that the professed objects of the war had not been obtained ; but still, that peace on the conditions stipulated was far preferable to war ; and therefore that the treaty ought to be acceptable to the people.*

The debt of the State, due before the war, amounted to \$550,000 ; and the expenses of the war had added \$300,000. The Commonwealth, however, had some funds at command, and a large quantity of wild lands in Maine. The Governor recommended economy in the public expenditures, and attention to the credit of the State. A law was passed, providing for the appointment of Commissioners of wrecks ; for it was found that much property was lost, when vessels were cast away upon the coasts, for want of attention and care ; and also an act regulating the inspection of beef and pork, large quantities of which were exported from Massachusetts ; and it was important, for the honour of the State, as well as for the permanent benefit of those concerned in the business, that the articles should be faithfully inspected.

part of the militia of his State as he might judge necessary, and the case require for assistance." Here seems to be an admission, that the Governor of the State was to decide upon the question of the *necessity* of the service, and also, that no expenses were to be incurred, nor militia ordered into service, except in case of actual invasion. And by the law of Congress in 1792, providing for calling out the militia to suppress insurrection, &c. the President was authorised to issue his orders for them simply " to *repel* invasion, and to give his orders to an officer of the militia."

* See the Appendix for the answer of the Senate and of the House of Representatives.

In the following remarks of Governor Strong, in his Message to the General Court, January 1816, the sentiments of wisdom and experience will be readily perceived. “Within the last three years, more than one hundred acts have been passed to incorporate persons for the purpose of carrying on manufactures of different kinds; in some of these, children are employed at an early age, before they have received the education which is usual in our English schools: And it may be expedient for the Legislature to require that effectual measures be taken for the instruction of such children. The careful education of youth is an object of the highest importance, as well to the government, as to every individual: A due regard to it is the most effectual method to prevent the commission of crimes, and to uphold order and just authority. At this period, when they are most susceptible of virtuous impressions, if they are left without cultivation or restraint, they will entail upon their country an endless series of mischiefs. But if their minds are enlightened by education, as they advance in life they will duly understand and estimate their rights; they will be able to judge of the true characters of men, and to distinguish between the honest zeal of patriotism and the intemperate heat of party spirit; and will acquire such information as will enable them to exercise the rights and perform the duties of citizens in a free government, with steadiness and discretion.

“From the ease with which new regulations may be introduced, perhaps, we are in danger of treating the ancient forms and usages of the State with too little respect. The people, generally, have an attachment to laws and customs which have long

been established, and conform to them more from habitual regard, than through fear of punishment. Unnecessary additions to their number, or frequent alterations, would diminish their authority, and lay a foundation for a multitude of litigious suits. While, therefore, we encourage a spirit of genuine improvement, let us do justice to the usages, which we and our fathers have approved, and guard against a temper of unceasing innovation—Let us cherish those principles of government and those systems of education, which have been derived to us from our ancestors; and especially, the institutions, which have a tendency to preserve in the minds of the people that reverence for the Deity, without which neither public nor private virtue can subsist nor the welfare of a community be secured.”

In this communication of the Governor, he gave public notice that he should decline a re-election. The people, generally, regretted this determination; for they had full proof of his prudent judgment, and of his devotion to their best interests. But he was now, about seventy years old, and he considered it proper to retire from the cares of public life.

When Governor Strong retired from the chair of Chief Magistrate of the Commonwealth, General John Brooks was chosen to succeed him. General Brooks was respectable for talents, and was remarkably conciliating and popular in his manners. But on great occasions, he was very decided and independent in his conduct. He did not, usually, form an opinion on subjects of a public nature, without much inquiry and deliberation: But when he had taken proper time for consideration, he was resolute to pursue the course dictated by the con-

viction of his own mind. He belonged to the party, then usually called federal; and in this, he believed he was adhering to the political principles of Washington, for whose character as a statesman and patriot, as well as a hero, he had the highest respect and admiration. Many important offices, both civil and military had been filled by Governor Brooks, with great fidelity and to the entire satisfaction of his fellow citizens. During the war of the revolution, he commanded a regiment raised in Massachusetts for the continental service. He was active and brave, and particularly excelled as a disciplinarian. On several occasions, in the war of the revolution, he displayed both the courage and the intelligence, which are necessary to give one a high reputation as a military character. After the war, he was some time Major General of the militia, and Marshall for the District of Massachusetts, under the federal government. He was a member of the State Convention for adopting the Constitution of the United States; a Representative and Senator in the Legislature of the State; and a member of the Supreme Executive Council, during the administration of Governor Strong. In the critical period of the war of 1812—15, he was also Adjutant General of the militia of the State, and in his judgment and efficiency the Governor had the most perfect confidence. When he was first elected chief Magistrate, in 1816, he had a powerful rival in *Mr. Dexter*, who was also a candidate for that office. The election of General Brooks was proof, therefore, of his great popularity. These two distinguished citizens did not differ, materially, in their political principles or views. They had indeed, long been of the same political sentiments; and

differed only, if they differed at all, in their opinion, as to the duty of voluntarily aiding and supporting the national administration in the war, then just terminated. Mr. Dexter seemed to be of the opinion, that the States were bound to support the administration in the war, because it had a right to make war, without inquiring whether the measure were just and expedient, or not, and that it must take the responsibility both of declaring and of conducting it—But General Brooks belonged to that class of citizens, who believed the Governor and Legislature of a State had a right to control the militia, except in the cases specified in the Constitution; and that the State rulers must also judge of the exigency of the occasion; as otherwise there was no check for the exercise of the most arbitrary and oppressive power, and no security for the rights of the citizens, who were liable to be enrolled and called out as militia.

In his speech to the Legislature, when Governor Brooks entered on the duties of Chief Magistrate, he observed—“The institution of civil government is essential to human happiness: Without government, existence would cease to be a blessing. But as we can discern no ground in nature for the assumption of a right in one individual to control the actions of another, we conclude that all men are originally equal; and therefore that legitimate government must be derived from the will of the people. However little the existing governments of the world may correspond with these positions, we have the satisfaction to reflect that Massachusetts and her sister States, separately and conjointly, have realized and are now enjoying the right of self government.

“The people of this State have been favoured by an indulgent Providence with an opportunity of framing for themselves a constitution of government upon the broad basis of equal rights: and we may be permitted to exult in the reflection, that the great questions involved in forming a system of rules, which must last indefinitely for ages, were discussed with a degree of intelligence, and a spirit of candour and mutual concession, which mark the period of an age of wisdom and virtue. Power was imparted to public agents with caution, and in every practicable instance limited with precision. Such concessions, however, were made in favour of delegated authority, as promised to insure tranquillity, and a due execution of the laws. It is obviously one of the leading objects of our Constitution, effectually to counteract the tendency of office to accumulate power, and so guard against an abuse of delegated trust. Principles are immutable; and our system is so framed as to leave as little as possible to construction. And it is our happiness, to have our lot cast under a system of government formed upon these principles. This system, being the ordinance of the people, and enacted by them in the exercise of their natural and underived right of self controul, justly and imperatively claims to be the supreme law of the land.

“It is foreign to my intention, as it would be to the occasion, to attempt an analysis of the Constitution. But such provisions of that instrument, as are vitally important to the public happiness, cannot be too frequently brought into view and impressed upon the public mind. A sense of the value of first principles ought to be carefully cul-

tivated. *Avarice and ambition wage eternal war with equal rights and public liberty.* This was the doctrine of our fathers, founded in the nature of man ; and it is the doctrine of the Constitution illustrated by the unequivocal testimony of experience. Virtue is the great conservative of republics ; and coincident with other profound views developed in the Constitution, and as auxiliary to their attainment, that instrument assigns an elevated rank to moral and religious principles. The happiness of the people, the good order and preservation of civil government are declared essentially to depend on piety, religion, and morality ; and wisdom and knowledge as well as virtue are considered necessary for the preservation of the rights and liberties of the people.

“ The Constitution of the United States is without precedent and without parallel. In its composition and form, it partakes of the federative character ; but from the extent of its fiscal, executive and other powers, possesses the essential prerogatives of an integral government. The confederation was a government of courtesy. The national interests demanded one of efficiency and coercion. The just mean between a too limited and an indefinite grant of power was assiduously sought, and the result cheerfully submitted to the test of experience. The national compact, like the constitutions of the individual States, is an emanation from the same pure and legitimate source ; and the spirit of freedom which pervades and animates the State constitutions, is carried into the national pact, and all powers not expressly given, are declared to be retained by the people or the States. This distinct reservation of rights,

besides being a condition, without the introduction of which, the constitution would never have been adopted, forms a check upon the powers vested in the general government. The sovereignty of each State, though reduced from its original amplitude, has been viewed by the most illustrious Statesmen of our country, as forming a most safe and effectual counterpoise to that mass of power inherent in the Constitution of the United States, and which is indispensably necessary for the general welfare. Whatever apprehensions may have been entertained at any former period, of the operations of the national government, the people of this Commonwealth have but one sentiment, as to its continuance. *Massachusetts will be among the last to impair the Union of the States, as she would be the last, silently, to ABANDON HER OWN JUST RIGHTS."*

He referred to Manufactures and to the Tariff for their encouragement, then recently passed by Congress, in the following manner. "The distress which some of our manufacturing citizens have experienced from the changes, which have recently taken place both in Europe and in America, are undoubtedly great, and excite our sympathy. In adjusting their new tariff of duties, Congress may have done as much for their relief as *a due regard to justice and the good of the community at large would allow."*

All parties approved of the Speech of Governor Brooks ; and acknowledged that his principles and views were truly republican. When he was first proposed as a candidate for Chief Magistrate, an apprehension was expressed, by some eminent civilians, that he was not perfectly qualified for that

high station, as he had not received a legal education. But his public papers soon convinced every one, that he was well acquainted with the principles of the Constitution, and fully competent to the discharge of his political and public duties. He was cool, judicious and discriminating. Hancock and Adams were not educated lawyers, though they had been much in civil life when elected Chief Magistrates.

The Electors appointed by the Legislature in November of this year were of the federal party, and all gave their votes for Rufus King of New York for President, and for John E. Howard of Maryland for Vice President. But James Monroe of Virginia was elected by a very large majority.

During this year, petitions were presented to the General Court, from a great number of towns in the District of Maine, for the separation of that part of Massachusetts, and for forming it into an independent State. The petitions were so numerous that the Legislature considered it proper to submit the question to the citizens of that part of the Commonwealth; and to provide for a Convention to be holden at Brunswick, to examine the votes given in. The resolve for this purpose, required more than a bare majority, viz. the ratio of five to four, or $5 \frac{1}{4}$ ths. The votes given in favour of a separation were not equal to that ratio. The Convention, however, by a strange calculation, decided in favour of the separation. But a remonstrance was made against the propriety of this decision of the Convention; and the General Court, in November, expressed an opinion, that the vote did not authorize a separation, according

to the terms of the former resolve on the subject. There was a bare majority of those who voted in favour of a separation. A few years after, the vote was such as to induce the Legislature of Massachusetts to sanction the measure.

At the session of the General Court in November and December, all the public business of immediate importance was transacted; and no meeting of the Legislature was holden in January and February following. Early in 1817, in pursuance of authority previously given by the Legislature, the Governor appointed agents to present the claims of Massachusetts on the United States, for expenses incurred in calling the militia into service for the defence of the country, during the war of 1812. The amount exceeded \$800,000. Objections were made, on the part of the national administration, to the allowance of the claim; not because the service was unnecessary, or the expenses extravagant; but because the militia were not put under the controul and command of a military officer of the United States. The reasons which operated with the Executive of Massachusetts against a compliance with the requisitions for the militia in all cases, have already been fully stated; and this non-compliance was the ground on which the general government refused to reimburse the sums expended by Massachusetts in defence of the State. The merits of the claim were stated and urged with great ability by the agents, Messrs. Lloyd and Sumner. They stated the difficulties which arose in ordering out the militia, at the time and in the manner proposed by the United States' officer; the constitutional scruples of the Governor, and the remonstrances of the militia

themselves. It was also shown, by the agents, that the militia of the State were equipped and kept in a state of constant preparation, and were called out when there was an invasion or alarm; and that the service they rendered was not only such as could justly be required of militia, but was prompt and efficient in defence of the State, and even in protecting the property of the United States which was within its territory.

CHAPTER XV.

Governor Brooks re-elected in 1817.....His speech to the Legislature, at the commencement of the session.....Visit of the President of the United States to Massachusetts.....His reception by the Governor and by the people.....Attempts to settle the eastern boundary line.....Speech of Governor Brooks in June 1818, on his re-election.....His attention to the militia and to the State Penitentiary.....The separation of Maine.....Number of inhabitants.....Governor's advice to maintain the credit of the Commonwealth.....To encourage industry and economy.

Governor Brooks was re-elected in 1817, by a vote of eight thousand majority. General Dearborn was the rival candidate. It was not generally expected that there would be any opposition to Governor Brooks. For the democratic party had approved of his political principles, as expressed in his public speeches; and all acknowledged that he was liberal and conciliating in his conduct. The following extracts from his speech to the General Court, in June 1817, will show how justly he appreciated the political and social blessings enjoyed by the people, under the excellent Constitution of the State.

“Without extending our views to the general history of man or of governments, the annals of our own country, the migration and settlement, the character and manners, the political and religious

principles, and the literary institutions of our fathers—the rise, progress, and termination of the momentous question between Great Britain and her colonies, now the United States of America, as to the right of parliamentary taxation—the origin, structure and establishment of our system of jurisprudence; open various and prolific sources of instruction to the Legislature, and of proud satisfaction to the American patriot.

“Annual elections and frequent meetings of the Legislature, being designed to perpetuate the principles of a free constitution in their purity and vigor, and to promote in the highest possible degree, the general welfare of the State, it seems highly proper, and auxiliary to these ends, that the attention of the Legislature should be frequently directed to inquiries into the competency of the laws for securing to the people their political and elective rights; and whether they obtain, what the Constitution assures them, “right and justice, without purchase, without denial and without delay.”

“Massachusetts has always been respectable among her sister States. And while she retains the spirit and is governed by the principles of her political, religious and moral institutions; while her schools and seminaries of learning are supported; while science and the useful arts are cherished; her love of justice, and habits of industry and economy are maintained; she must continue to command the respectful consideration of the civilized world.

“The Commonwealth, to the mild and beneficent influence of whose Constitution and laws we are indebted for our civil privileges, the secure enjoyment of the rights of conscience, and whatever is

dear to us in domestic life, claims our first fealty and homage. And I may add, that the people in the several States will most efficaciously perpetuate the system of national government, by preserving the solidity and strength, and by maintaining the erect attitude of the pillars, upon which the vast and lofty superstructure is erected."

In the summer of 1817, Mr. Monroe, the President of the the United States, then recently elected, visited Massachusetts and the other eastern States. The event excited the more attention, probably, because no other President but Washington had made a tour through these States. As Mr. Monroe was one of the administration in the time of the war, there was not any political predilection for him among the majority of the people of Massachusetts. He was received, however, with great public respect and parade; and his visit had the happy effect of producing a mutual regard between him and the citizens of New-England. The attentions and courtesies of Governor Brooks towards the President were honorable to himself, and duly appreciated by Mr. Munroe. This visit of the President led many to express a wish, that the intercourse between the citizens of the southern and eastern States might be more frequent, as it would conduce to a greater political harmony and good fellowship than had existed for several years before.

In 1817 a fresh attempt was made to settle the boundary line between Maine, (then a part of Massachusetts) and New Brunswick. There had been a dispute on this subject even from the peace of 1783; and commissioners were early appointed to adjust it. It was not settled, however; and after

the treaty of Ghent, agents were again appointed to ascertain and fix the boundaries.

The territory in dispute between the United States and the British Government is very large. There is now no question as to the true St. Croix river, which is the place of beginning for the boundary line. It relates to the point where a western or southwestern direction should commence. The decision has been referred to a friendly power in Europe, the King of the Netherlands. He will decide impartially, no doubt, but much will depend on the intelligence and ability of the persons employed by the two governments, to state the case to the royal umpire.

It was agreed by the American and British commissioners, about this time, that Moose Island, on which Eastport is situated, was within the territory of the United States; and it was accordingly surrendered by order of the English government. Being within the limits of Maine, which was then a part of Massachusetts, it was taken possession of by the authority of the State; and an agent on the part of Massachusetts, as well as of the United States, was present at the surrender. The British took the place during the war of 1812, and retained the possession after the peace, on the pretence, that it was within the limits of New Brunswick.

The political opinions and feelings of the majority in an elective government cannot be more correctly represented, generally, than by a reference to the public declarations and views of the individual, whom they have chosen to be the Chief Magistrate of the Commonwealth. There is a propriety, therefore, in quoting a part of Governor Brooks' speech to the General Court, on his re-election in

1818, although large extracts have been before given from his speeches for 1816 and 1817.

Referring to the claim of the Commonwealth on the United States, for expenses incurred in the late war, he observes—"Although the merits of the claim have not been discussed in the national Legislature, yet, considering the nature and magnitude of the object, for which the expenditures were incurred; the danger of menaced invasion at the time when the greatest portion of the expenditures were made, on a maritime frontier of more than 500 miles in extent; the remarkable unanimity of sentiment which prevailed among all classes of people, and the cordiality and zeal with which they united, in raising works of defence against the common enemy; and especially, the liberal and unhesitating manner, in which the resources of the State were employed, as well for the protection of the ports, navy and other property of the United States, as for the immediate defence of its own territory and population; we may confidently presume, that the general merits of the claim will be duly appreciated; and that the enlightened statesmen, to whom are confided the destinies of our nation, will authorize a reimbursement.*

* The chief objection of the national administration (which has already been noticed) to a reimbursement of the sums expended by Massachusetts, for defence in the war of 1812, was, that the Executive of the State declined calling forth the militia, when requested by an officer of the United States and subjecting them wholly to his disposal—For the Governor could be charged with no more than this. But when there was actual invasion, or when there was imminent danger of invasion, he called out the militia, as proposed by the officer of the regular army, and in some cases placed them under his command—And when there was no request from such officer, but danger exist-

“Whatever agency Massachusetts may have had in establishing the national government, or however great her sacrifices or valuable her contributions, in supporting its existence and efficiency, in the spirit of amity and accommodation which produced the compact, we concede that she enjoys an equivalent. And in estimating and enumerating her contributions and various efforts for the public defence, she asks only the same measure of justice and equity, which has been observed, for similar expenditures, towards her sister States.

“That the Constitution of the United States has been productive of the most beneficial effects, that the blessings resulting from it have transcended the utmost hopes of the sages who formed, and of the States which adopted it, are subjects of high gratulation and joy, and of devout gratitude to that Being, ‘who rules among the nations of the earth.’ But to insure the continuance of its blessings, the principles upon which it was found-

ed and the people were alarmed, he did also order them into service for the protection of the State. Under similar circumstances and exigencies in other States, the militia were ordered out, when there was no requisition from any national officer, and the expenses reimbursed by the general government. The power attempted to be exercised by an officer of the United States, over the militia was very alarming to all impartial men. The claim to them was, to call them out at any time, and to order them wherever he might choose : Thus assuming authority to decide as to the exigency, and to command the militia precisely as he would regular troops. It was to this claim and this assumption of power, that the Governor and Legislature of Massachusetts objected. The Secretary of War, in 1814, said, “such military officer was stationed in the State to watch the movements of the enemy, and *when there was a menace of invasion to request the Governor to call out the militia.*” When requested, in such cases, Governor Strong did call them out.

ed, must be maintained in their purity. The early apprehensions of many of its friends, which arose from an imagined imbecility in its structure, have subsided; and the severe trials it has sustained, sufficiently demonstrate its tone and vigour. The proofs of its strength, however, have been *intermingled with admonitions of its tendency to accumulate power by refinement and construction*. And should the time ever arrive, when *the sovereignty of the States shall be merged in the general government, the catastrophe will probably be effected by the extension of constructive prerogatives*. Whatever difficulties may occur in drawing the line between those rights, which have been surrendered to the general government and those which are retained by the several States, it must be remembered, that, on any question of doubtful import, touching the distribution of power, a favourable construction is due to the individual States, under a provision, as sacred as it is explicit and decisive, “that all powers not expressly delegated, are reserved to the States, respectively, and to the people.”

In his instructions to the agents who were appointed to present the claims of Massachusetts on the United States, the Governor urged the equity and justice of the demand with great frankness, zeal, and fidelity. He expressed the same opinions, on this occasion, as he had given before, when a member of the Supreme Executive Council of the State in 1812 and 1814. No one was a more sincere advocate for conformity to legitimate authority than Governor Brooks; and if he had been convinced, that the exigency existed, contemplated by the Constitution, which must re-

ally occur to authorize the demand for the militia, he would have advised and urged to their being put under the controul of an officer of the United States ; knowing that the responsibility for the discreet and proper exercise of power would rest on the national government, or the President of the United States ; and not on the Executive of Massachusetts. But he believed that the constitutional exigency did not exist, when the militia were first called for by the United States' officer, nor on some other occasions, when a request was made for them. In 1814, he did advise to placing them under command of the officer of the national government ; and that they were not put under his authority, conditionally, was not that it was opposed by General Brooks. But he well knew, that the service was performed by the militia which was proper for them to render, for the defence of the State ; and that this was at a time when the federal government provided no means of protection against the attacks of the enemy. He was not ambitious of engaging in a controversy with the national rulers, on this point, although it was his decided opinion, "that it was inequitable in the general government to refuse payment." When it was suggested to him that some concession or apology, publicly or officially made, might have influence with the national administration, he declared, "that he could not sincerely, and therefore should not make any." Many others, in his situation, either for the sake of popularity or gain, might have consented to make concessions, contrary to their own convictions of right ; and even to criminate the virtuous and patriotic citizens of the State, for party purposes.

Governor Brooks took a particular interest in the Penitentiary of the State. He approved of the establishment, and believed, that, with judicious regulations, and an energetic, but humane government, it would prove a benefit to the community, by depriving culprits of the power and opportunity of doing mischief, and by effecting, in some instances, the reformation of the offenders. He often visited the prison; and made very minute inquiries of the immediate officers; and he never ceased to urge upon the Legislature the importance of alterations and improvements, with a view to more salutary results; especially, to the criminals, in giving them an opportunity, by solitary confinement, during the night when their labors were suspended, for sober reflections and resolutions of amendment. In this he had to combat the objections of many members of the Legislature, who pretended that the system was a bad one; and that the criminals who had been confined in the prison, departed from it, when the time of their sentence expired, more depraved than they entered it. This was a hasty opinion, not founded in a due consideration of the condition of the culprits, while in the prison. The rooms were so few, that generally, six or eight were confined to one for the night. It was the opinion of the Governor, and in this he was supported by the immediate officers in the Penitentiary, that it would be a great improvement to have a room or cell for each convict, to which he should be confined during the night: and to effect this, an additional building would be necessary. Several years after, it was voted by the General Court, that a new building be erected, to carry into effect the plan of solitary confinement, when the prisoners were not engaged in labor.

During the civil year 1818, various laws were enacted amendatory of former statutes, and relating to the internal affairs of the Commonwealth. One of these was to prevent the waste of timber trees ; one for the more strict regulation of licensed houses ; one against forgery and counterfeiting ; one for the punishment of robbery, manslaughter, and felonious assaults. Acts were also passed for the encouragement of agriculture and manufactures, of trade and navigation ; for regulating the practice of Physic and Surgery within the State ; and for defining the powers and duties of Corporations. These legislative acts were indicative of a spirit of improvement in the people, and of a disposition in the government to afford all legal facilities to advance the interests of society.

Governor Brooks was elected for seven years, successively ; and in all his public conduct he was judicious, conciliatory and magnanimous. Many of the democratic party esteemed and supported him. He was not exclusive in his appointments to public office, nor did his policy and measures give any just occasion for his political opponents to say, that he conducted as the head of a party. The course he pursued had a happy tendency to check party feelings, and to induce the citizens generally, to act more in concert on public business, than they had for several preceding years. If it is necessary to give him a party appellation, it must be that of a uniform federalist during his public, political career ; but no man in the State or nation, whatever might be his professions or his pretensions, was more attached to a republican government, or more readily subscribed to the doctrine, that all civil and political power emanated

from the people. The regulation, the equipment and discipline of the militia, received the particular attention of Governor Brooks. With other intelligent Republicans, he considered the militia the most proper defence of the country; and their efficient organization was with him a matter of pride and solicitude. He reviewed them in all parts of the State in 1817 and 1818; and his presence excited a spirit of laudable emulation. As commander in Chief of the militia, he excelled all who preceded him in the Commonwealth, subsequently to the revolution.

During Governor Brooks' administration, the militia laws were altered, so that those above the age of thirty-five years were exempted from the public trainings; but those under the age of forty-five were required to pay two dollars a year, and to attend the annual meeting in May, for inspection as to their military equipments. They were also permitted to vote for the election of officers. A uniform was required for the militia to be prescribed by the Commander in Chief, on the condition that it be cheap and simple. This regulation had been suggested by the Governor: for he thought it would add to the appearance, and would not much increase the expenses of the militia.

The question of the separation of the District of Maine from Massachusetts was again agitated in 1819; and the members of the General Court engaged to give their assent to the measure, on certain specified conditions, relating to public lands; provided also, that the majority of the citizens in Maine in favour of separation should be fifteen hundred. On giving the votes on this sub-

ject, the majority for forming Maine into a separate State far exceeded the number required ; and in September a Convention of Delegates from the several towns in that part of Massachusetts was holden, when a constitution or frame of government was prepared ; which afterwards received the approbation of the people. Congress having also given its consent, the District of Maine became a separate independent State in 1820. This measure was effected in the exercise of the most friendly feelings, both by the citizens of Maine and Massachusetts. The territory of Maine is much larger than the other part of Massachusetts ; and when the separation took place, it contained nine counties, two hundred incorporated towns, and upwards of 290,000 inhabitants.* When the government was first organized, and for several succeeding years, the Legislature held its meetings at Portland.

At this period, the finances of the State were in a prosperous condition. The tax was \$133,000, besides a sum to reimburse the pay advanced to the members of the House of Representatives. In the early part of the year, the treasurer was authorised to borrow \$50,000, to meet the expenses and pay the demands on the government, but he had no occasion to obtain the loan. A part of the debt of the State was also paid off, during this year. The Commonwealth had some debts standing against it ; but it had, also, stock of the United States and other credits to overbalance all claim upon the treasury. In referring to the financial concerns of the State, the Governor recommended

* Massachusetts contained 520,000, at that time.

attention to its resources, and urged the importance of maintaining the public credit, by having the treasury always in sufficient funds to meet payments with promptness, and without a resort to the expedient of borrowing. He also suggested the propriety, when all the debts of the State were paid, of appropriating a part of its income for the encouragement of agriculture, commerce, fisheries and the arts. Agriculture and commerce, he said, were the foundation of all our prosperity. The tonage in Massachusetts, at this time, was one third part of that of the whole of the United States.

Governor Brooks was a great advocate for industry and economy. He lamented the introduction of foreign manners, and of an expensive mode of living. A good education, and habits of frugality and industry, he considered essential to the perpetuity of civil liberty, and of the republican institutions of the country. From his speech to the Legislature, on his re-election in 1819, the following paragraph is given, expressive of his views as to the fundamental doctrine of free governments, and the importance of early education and the discipline of Youth.

“Our Constitution is virtually and essentially in the hands and at the disposal of the people. This is not merely the language of the Constitution. It is a doctrine which lies at the foundation of republicanism. And the conservation of our liberties, as defined in our great social compact, is intimately connected with the intelligence of the people. But man is born neither wise nor good. Knowledge and virtue result from instruction and discipline. The senses of mankind early and ca-

gerly seek their appropriate objects of gratification. The passions, easily excited in childhood, are prone to, and grow stronger by excessive indulgence; while the powers of reason necessarily associated with experience in their progress to maturity, are slow and late in being fully developed. Hence the danger of habits being formed injurious to society and destructive of individual happiness. Hence the importance of early tuition and moral discipline; and hence also, the interest which the public has in providing means for cultivating the minds and forming the manners of youth. Agreeably to these sentiments, the Constitution enjoins it as a duty on the Legislature to cherish the interests of literature and the sciences, and public schools and grammar schools in the towns. Should the existing laws be found insufficient to provide for the primary education of children, especially of the poor, prerequisite to their admission into the grammar schools, the deficiency has strong claims upon the Legislature. Our venerated forefathers rendered their memories imperishable by their care and solicitude in the cause of learning; and experience, instead of discrediting their literary institutions, has served to heighten their value."

CHAPTER XVI.

Convention for alterations of the Constitution.....Mr. Adams chosen President.....Alterations proposed by the Convention.....Part approved by the people, and part rejected.....Proposition to pay Representatives from the public Treasury.....Electors of President and Vice President of the United States.....Governor Brooks re-elected.....His speeches.....His political opinions.....His administration.....Manufactures extended.....state of society, of religion and learning.

In 1820, the Legislature submitted the question to the people, whether they would have a Convention to revise and alter the Constitution of the State :* It was then forty years from its adoption. Some alterations, it was supposed, might be made, which would be improvements in the system, although there was no material defect in it, and no complaint of its abridging the liberties of the people. Some had it in view to diminish the number of representatives ; some to adopt a new principle, respecting the choice of the Senators, which was that they should be chosen according to the population, instead of the wealth of a district or county. The separation of Maine made it proper, also that

* It was first proposed, that there should be *two thirds* of the citizens in favor of revising the Constitution in order to call a Convention for the purpose. But after some debate, it was agreed to require only the majority.

some alteration should be made, in apportioning the Senators, or in lessening the number required by the Constitution.

The votes of the people were in favor of a Convention, which met in Boston, in November 1820. It consisted of about five hundred members, among whom were some of the most eminent civilians in the State. The Honorable John Adams who had been President of the United States, was unanimously chosen President of this highly respectable body ; but he declined, on account of age and infirmity. He was then eighty five years old. Chief Justice Parker was thereupon elected to preside. The Convention was in session about seven weeks ; and voted in favor of several propositions, as amendments or alterations to the original Constitution, to be submitted to the people for their consideration and approval. This course was in strict and full accordance with the fundamental principles of a republican government, that the people are the source of all political power, and that it is to be exercised agreeably to their will. There was no usurpation, in this measure, on the part of the Legislature, or of the Convention ; and no attempt to dictate to them what changes should be made. It was by the vote of a majority of the citizens in the State, that a Convention was holden for the purpose of digesting and proposing such additions or alterations as it might think proper ; of the expediency and wisdom of which, however, the whole people were afterwards to judge. Whatever was proposed and recommended by the Convention, such changes only as the people approved could be valid, and be incorporated with the Constitution. Fourteen articles or clauses were adopt-

ed in Convention, and afterwards submitted to the citizens for their opinion. Only nine were approved by them; and one of these related merely to the mode of introducing future alterations.

It was proposed by the Convention so to alter the third article of the Bill of Rights, as that the Legislature should *not* have the power to enjoin on the citizens an attendance upon public religious worship—as that a person might pay his religious or ministerial tax to the clergyman of any Society, to which he should choose to unite himself, even if of the same sect or denomination, and if formed within the limits of the parish, to the support of the minister of which he was before regularly assessed—and as that no citizen of the State should be liable to a tax for the support of any clergyman, except the one on whose instructions he attended, although he should have property in other towns or parishes, than that in which he resided. But these proposed alterations were not approved by the people: and the third article in the Bill of Rights was, therefore, retained, without alteration. By thus rejecting the proposition of the Convention, the people *virtually* declared their disapprobation of the law of 1811, which gave occasion, to those disposed to avail of it, to avoid paying to the support of any regular religious teacher, and to form societies, religious only in name, where no regular instruction and worship were enjoyed. But the Supreme Judicial Court seem to have admitted the constitutionality of the law of 1811; and that is the legal tribunal to decide what is the meaning and intent of the Constitution.

The Convention was in favor of an alteration of the Constitution, by which only one session of the

General Court, in a year, should be required ; and that to commence the first Wednesday of January ; with a power in the Legislature, or the Governor, to have other meetings, when the exigency of public affairs might render it necessary. But such a change was not approved by the majority of the people. Another alteration of the Constitution proposed by the Convention, and that a very material one, was, that the Representatives should be chosen by districts, instead of towns which had always been the practice in Massachusetts. The object was to reduce the number of Representatives, so that they should not exceed 250 or 260. As the Constitution was, the whole number of Representatives might be upwards of 500, even after the separation of Maine ; and this was thought to be unnecessary as well as expensive. The proposition was that a town containing 1650 inhabitants might send one Representative ; and a town with 3600 inhabitants might elect two : and that small towns contiguous to each other should unite in the choice of a Representative. But the plan did not receive the approbation of the people.

It was also the opinion of the Convention that the tenure of office for the Judges of the Judicial Courts, should be *expressly* during good behavior, without a liability of removal for any other cause. But the people were satisfied with the provisions of the Constitution on this subject, and did not ratify the proposed alteration. They probably, concluded, that there would be no danger of their removal, for merely political purposes ; and that they were really secure in their office, while their conduct was dignified and impartial, as it always had been. A majority of the people were, indis-

putably, in favor of the independence of the Judges, and would have rejected any measure, which they believed designed to lessen their power, or their dignity; or to place them in a state of dependence upon the popular will, or upon the favor of other officers of the government.

The alterations proposed by the Convention, to which the people assented, were, that the Governor should have five days, while the General Court was in session, to consider and make his objections to any bill which might be laid before him; otherwise the bill should not become a law. The reason for making this alteration was, that, on one occasion, a few years before, the General Court had voted, that a bill adopted and sent to the Governor for his approbation, should be valid as a law, though the Governor had but part of one day to consider its provisions, when the Court adjourned.

Another alteration in the original Constitution was to give authority to the General Court to constitute municipal or city governments in any town in the Commonwealth, which contained 12,000 inhabitants, the Legislature reserving the power to annul any by-laws made by a city government.

The article or clause of the Constitution, respecting the qualifications of voters for State rulers and Representatives, was so modified, that a citizen of the age of twenty one years, who had resided within the Commonwealth one year and within the town in which he claimed the right to vote, for six months preceding an election, and who had also paid a tax within two years, in some town within the State, should have the right of suffrage. It was also provided by an article proposed by the Convention, that, in the election of officers of the

militia, those under the age of twenty one years, who were members of a company, should have a right to vote. Of these the people also approved.

Notaries Public had formerly been chosen by the General Court; but it was recommended by the Convention, that they should be appointed by the Governor, with the consent of the Executive Council, in the same manner as Justices of the Peace, and for the same time, which is seven years. This alteration met with the approbation of the people. That part of the Constitution, which required all the Legislators, magistrates and civil officers to declare their belief in the christian religion, was annulled; and the oath of allegiance to the Commonwealth much abridged. The incompatibility of office, or offices, was made more definite, and in some instances increased; for it was provided, that no county attorney, Clerk of a Court, Sheriff, Register of Probate or Register of Deeds should at the same time, be a member of the Congress of the United States; and that no Judge of the Court of Common Pleas should hold any other office under the government of the Commonwealth, except the office of Justice of the Peace or of an office in the militia.

A mode was also proposed in Convention for making future amendments in the Constitution and approved by the people; which was of the following import—The amendment proposed must receive the consent of the majority of the Senate, and of two thirds of the members of the House of Representatives—be published and approved by the like numbers in the next succeeding General Court; then submitted to the people; and if approved by the majority of those who voted thereon, to become

a part of the Constitution of the Commonwealth.* The greatest harmony prevailed among the members of the Convention during the whole period of its session; although they belonged to different political parties, which had formerly manifested a great degree of opposition to each other, in their sentiments on public measures; and were sometimes accused even of cherishing principles of government of no little variance. The latter opinion was fully shewn to be unfounded, by the agreement of the whole Convention, as to the essential and fundamental principles of the Constitution. And with the great body of the citizens, it was a source of satisfaction and of gratitude, to reflect that in strengthening and repairing the foundation upon which the free and republican institutions of the State were to rest, there was but one spirit and one purpose prevailing, and that was such as the purest patriotism and an ardent desire for the liberty of future generations would dictate and approve.

At the session in June, 1820, the House of Representatives resolved, that the pay of the members should be in the same way and manner as their travel. But the Senate did not concur with the House in this resolution. They said, "that the Constitution provided that the expenses of travelling to the General Court and returning home should be paid out of the public treasury; but made no provision respecting payment for attendance. The first General Court, held under the Constitution, provided by a resolve of November 13th, 1780, for the payment of the Legislature for their attendance, and that the pay of the House of

* See Appendix.

Representatives be charged to the several towns, agreeably to the Constitution."

In 1820, the Electors of President and Vice President of the United States were chosen by the citizens in districts. There were no political parties at that time, and but one prominent candidate presented to the people. Here is [proof, that this is the most natural and proper mode of choosing the Electors. It is only in a time of party excitement that any other mode will be adopted, except that of a general ticket; to which, in a small State, there can be no good objection. The people ought to vote for the Electors; and no intelligent man will give his vote for one, with whose character and opinions he is unacquainted. Public agents should never perform any acts, to which they were not appointed, and which it is the prerogative of the people themselves to do. The Electors all voted for Mr. Monroe, then Chief Magistrate of the United States.

By a reference to the Speech of the Governor to the General Court in June 1821, it will appear how highly he appreciated the benefits of industry and of the moral virtues to social happiness.

"The general prevalence of industrious habits, and of good manners and morals in the community you represent," he observes, "is a subject of pleasing contemplation. It encourages the persuasion, so grateful to every benevolent mind, that religion and the laws are effecting those salutary purposes, which they were intended to produce. It is at the same time a satisfactory pledge of the prosperity and happiness of the people of the Commonwealth.

"The truth of no position is more fully estab-

lished, than that a close connexion subsists between the morals of a people and their enjoyments. And as this connexion results from an order of things ordained by the Great Creator, it must be indissoluble. Evils incident to humanity, communities and individuals should be prepared to encounter. We are not authorised to look for an exemption from moral any more than from physical evil. Under the present economy of providence, vice and crime must be expected to intermingle themselves with the affairs of men; and the vigilance of the legislator as well as of the magistrate must be in constant requisition to guard and protect the community. But the history of mankind tends to inspire the belief of a gradual amelioration.

“Forms of government, systems of religion, and a state of civilization and refinement, exert a powerful influence in forming the manners and morals of a people. And here may we not foster strong hopes of the continued prosperity and happiness of our country? The manners and morals of the people of Massachusetts have been formed under circumstances peculiarly fitted to insure their permanence. Our free Constitutions of governments, the benign religion we profess, the improvements in the powers of the understanding, our habits of order, together with our physical relations to climate, soil and occupation, conspire to render durable the liberties and the prosperity of the State.

“Massachusetts was always free. Our forefathers brought with them from the other hemisphere their civil and religious privileges, which, being transplanted to a new region remote from the

blighting influence of despotism, gradually acquired greater amplitude, struck a deeper root, and attained a more vigorous growth. Under charters which had been granted with reluctance, our ancestors, though watched with jealous vigilance by the grantors, acquired more enlarged and definite ideas of their rights; and liberty, no longer a fanciful theory, was reduced to practice and became habitual. When the ties which bound the provinces to Great Britain were severed, the former, though knowing no constitution but a charter, already recognized only as belonging to history, remained firm and steady in their habits. The separation could scarcely be deemed a revolution. Ancient usages supplied the place of laws, until after the lapse of five years, the Constitution under which we now assemble, was formed and adopted. Without arrogance, or intending to utter an invidious remark, it may justly be affirmed, that no people on earth ever enjoyed so great a share of the blessings of freedom and self government as do the people of the United States. Not, indeed, that undefined and tumultuous liberty, which has occasionally agitated the government and emblazoned the history of some other nations; but that sober, rational liberty, which equally consults for and protects the rights of all the people, and manifests itself with a mild, steady and benignant lustre in our civil constitutions.

“Among the means, on which the public prosperity depends, *industry* holds a distinguished place. Few of our enjoyments, indeed, are derived from any other source; and without the agency of *industry*, all our hopes of future prosperity must wither and die. To many of the vices

which debase and impoverish mankind, it proves the most efficacious antidote; and, as the foundation both of public and private wealth, has undisputed claims to legislative consideration. By the power of industry, the American wilderness has been reclaimed; and our fields, enriched by culture, are made to teem with plenty. Industry has erected our temples of religion, of learning, and of justice. It has raised and furnished and adorned our habitations, built and navigated our ships, and filled our stores and garnerers with the products of various climes.

“We live in a land, in which the rights of man are well understood, where we meet one another enjoying the same franchise, and the offspring of a common parent. On this hallowed foundation is erected our venerated Constitution: and all subordinate institutions—our laws, the care bestowed on the education and morals of youth, the ample scope given to talent and mental effort, the principle of equality which governs the distribution of estates, and the interest which every one has in maintaining a free government—conspire with many other causes, to render the constitution perpetual. No better proof can be furnished of the merits of this political compact, and of its adaptation to the character and circumstances of the Commonwealth, than that for forty years it should have been the means of making a great community happy. The result of the test, to which it has been recently subjected, has proved the attachment of the people to the Constitution; and that, in their estimation, few alterations only were expedient.”

During the period from 1816 to 1821, a great

number of cotton and woollen manufacturing companies were incorporated. Previously to that period, there were nearly one hundred similar establishments in the State. In several of these a large capital was invested; particularly in those, then recently incorporated. The amount vested in cotton and woollen manufactures was estimated at \$20,000,000. Those which were skilfully conducted, proved to be profitable establishments for several years. Yet the aid of the national government was solicited, in favour of the manufacturers, by imposing higher duties on imported cotton and woollen goods. This system and policy, however, were much opposed by those engaged in navigation; and generally, by the citizens in the eastern States. But a few years after, the advocates for this policy in Massachusetts increased, though the opposition of a respectable portion of the people was as strong as at any former period. By the former, it was asserted, that extensive domestic manufactures would add to the prosperity of the country, and that some specific legislative protection was necessary to their support; while the latter contended, that commercial intercourse and trade with other countries should be as free as possible; and that legislative interference would operate unequally upon the people. The Legislature of the State, however had no controul in this business; it belonged exclusively, to the federal government to make laws for its regulation.

In addition to his ordinary duties, as the Supreme Executive and civil officer of the Commonwealth, the Governor had devolved on him, by the Legislature, the management of the claim on the government of the United States, for the expenses

of the militia in the war of 1812. He was authorised, in 1817, to appoint agents to present and urge the claim of the State. This was promptly done, but without success—Afterwards, the General Court requested the members of Congress from the State, to attend to the subject—and at a later period, (1819,) the Senators from Massachusetts were instructed to present the claim, and to obtain an allowance from Congress. But all these efforts were ineffectual. In 1820, the Legislature again intrusted the subject to the Governor, to be managed in such way as he might think proper and expedient. The Governor consulted his Council as to the best mode of prosecuting the claim. An able and elaborate report was soon after made on the subject, by a committee of the Council, to whom it was referred.* The report was unanimously accepted by the Council, and published by their order.

In this report, it was shown, that the state of things in 1812, when war was declared, and the request first made for the militia, was a novel one; and that there might be a difference of opinion between the Governor and the officer of the United States, without impeaching the patriotism of the former, or rendering him justly liable to the charge of improper opposition to the measures of the national administration—that the Governor had duties to discharge, for the protection of the rights of the militia—that he intended not to oppose the laws of the federal government, nor to decline a compliance with the requisitions of its officers, except when such compliance would, in his opinion,

* Hon. Richard Sullivan was Chairman of that Committee.

be a violation of his duty to the people of the State—that great difficulties arose, on the part of the militia themselves, to an execution of the orders of the United States officer, in the manner proposed—that whenever invasion threatened, the Governor called out the militia for the defence of the country, and on several occasions according to the request of the officer of the national government: thus showing a disposition, not to oppose or embarrass, but to aid the views of administration—and that, as the general government provided no means of defence, the imperious duty devolved on the Governor and Legislature of the State, by whose orders it was efficiently and economically defended: and, therefore, that the federal government ought to provide for a reimbursement of the sums expended.

The Governor requested the Secretary of the Commonwealth to send the report to several gentlemen not of the Council, but who were distinguished for their public services and political wisdom. From these persons, the Secretary received notes, in which they expressed their approbation of the view taken of the subject, in the report of the Council. One of them said, “I thank you for the report of the Committee of the Council. I have read it with attention; and it appears to me a temperate, able and logical exposition of the merits of a claim, which ought not to be suffered to slide into oblivion; and the consideration of which, I trust, will be favourably affected both by the matter and the manner of the report. The letter of General King, respecting the defenceless situation of the maritime frontier of the State, so far as regarded the forces of the United States, is

an important document.” Another observed, “I have read with great pleasure the report on the merits of the claim of Massachusetts on the general government. It is able, complete and conclusive. Its effects ought to be decisive. But fair statements, strong arguments, and logical conclusions, do not always produce the effect they ought. This elucidation of the claim, I consider very happy, both in its talent and in its spirit, to meet and to avail of any favourable opportunity for a fair and impartial examination.”

Governor Brooks was a decided advocate for the rights of the State. In his public speeches he was explicit on this point.* He considered the federal government as one of limited powers. The authority which it could justly exercise, he contended was expressly declared or clearly implied; and when powers not delegated by the Constitution, were assumed by Congress or the national rulers, he conceived it a solemn duty to remonstrate against the acts and measures thus arbitrarily proposed. But the legitimate authority of the general government, he was always ready to support and obey. He believed that the federal government was essential to the welfare and prosperity of the Union; and that the powers given to it by the States should be no farther limited than they were by the Constitution. About the *theory* of the general government, however, there is little dispute. A collision of opinion occurs only on the application of principles to particular cases. No one doubts the just authority of Congress “to provide for calling out the militia to repel inva-

* See pages 242, 243, 253.

sion," when an attack is made, or immediately menaced, on the territory of the United States ; or the right of the President to direct a military officer to command them, *to repel such invasion*. But many do deny the constitutional power of Congress to provide for calling out the militia on any occasion not specified in the federal compact ; and the right of the President, or of any officer he may appoint, to order them into service, except in the manner authorised both by law and the Constitution, and when the exigency occurs, contemplated by that instrument. The President of the United States is as much bound and limited by law, as any other public agent : and Congress even, the Supreme Legislature of the Union, is restricted in its authority, by the Constitution. If these limits are disregarded by Congress, or the President, and powers are assumed not granted to the federal government, the people, through the State rulers, may be expected to protest against the exercise of such assumed authority.

A spirit of forbearance, of wisdom and compromise, such as led to the adoption of the federal Constitution, will often be necessary both in national and State rulers, to prevent unpleasant collisions, and to preserve the peace of the Union. The call for the militia of Massachusetts in June 1812, when war was first declared, and when there was no actual invasion and none immediately threatened, was believed by some of the wisest and best citizens in the State not to be warranted by the Constitution ; and hence the origin of the dispute between the rulers of the State and Nation. When it was objected, that there was no invasion, and therefore no just cause for calling forth the militia, it was at-

tempted to justify the requisition, by stating, that the regular troops in the national service were ordered away to invade Canada, and that the maritime frontier of the State would be exposed. But even this could not justify the claim of the national rulers to the service of the militia, nor an order of the Governor for that purpose. Nothing but invasion, or the imminent danger thereof, could authorize the calling out of the militia. To press the people into the military service, except in such an exigency, would be a gross violation of their unalienable rights. Even if the plans of rulers are such as to lead them to expect an invasion of the country, at some future day in retaliation for hostile attacks on another nation, they could not justly call the militia into actual service, before an invasion took place, or immediately threatened. They could, with propriety, only order the militia to be detached, and to be in readiness for the service, whenever the exigency should occur. Such a distinction seems to have been perceived and recognized by the federal government in 1795. Surely, the national rulers would not plead their own neglect or errors as an excuse for requiring service of the militia, which, otherwise they could not constitutionally demand. It would be an arbitrary exercise of power, both in national and State rulers, to require the service of the militia, in any cases except those mentioned in the Constitution. A different construction put upon the clause of the Constitution, which refers to calling out the militia, would allow such a controul over the citizens, as to render them liable to military service on any occasion and in any manner the rulers might direct. The claim set up by the officers of the general gov-

ernment was, that war being declared, every part of the country was liable to invasion, and that the right, therefore, existed to call forth and command the militia, without restriction as to time, place or circumstances.

Both in principles and manners, Governor Brooks bore a strong resemblance to the most eminent characters in Massachusetts, of a former generation. All the distinguished patriots of the revolution were personally known to him; and he had a just apprehension of their opinions and views, on political subjects. He was, moreover, a celebrated actor in many important scenes belonging to that eventful and memorable period. No one better understood or more fully approved of the principles which led to the revolution. His public speeches shew this. He was sincerely and thoroughly republican in his political principles. But he was no demagogue. His manners were conciliating; and he was not indifferent to the good opinion of his fellow citizens. But he was one of those "rare patriots who prefer the public good to the public favour."

Governor Brooks entertained an exalted opinion of Washington, not only as a consummate general, but as a wise statesman. It was probably his intention, as far as circumstances rendered it suitable, to conform to the principles of that great man. He was like Washington in firmness, moderation and impartiality. In his appointments, he was desirous of rising above all personal friendship, and of selecting for public office, the persons best qualified and most likely to be acceptable to the people. He was a *federalist*; for he was attached to the Constitution which was framed in 1787, to give strength

and unity to the confederation of the United States; and he approved of the policy pursued by Washington, in administering the general government, under that Constitution. And he was a *republican*, for he acknowledged and contended that the people were the source of civil power, and that their will was to be obeyed by their public agents. He was no otherwise anti-democratic, than that he considered it the duty of every intelligent and honest man, in times of party excitement, and when there was danger of opposition to lawful authority, to undeceive and give correct information to his fellow-citizens.

From 1800 to 1820, the literary and religious character of the people of Massachusetts suffered no material change. Private schools, however, were increased; and the youth who attended them, were farther advanced in their studies, than was common at an antecedent period. Public Schools were maintained as formerly at the expense of the community, and were open for the benefit of the children of all classes, on a perfect equality. In these also, the youth had an opportunity for higher attainments in literature and science; and the children of the less opulent shared in all these means of improvement.

No new religious sect sprung up during this period; but some of those which were formerly known were multiplied, in different parts of the State. The denomination of Universalists increased in various places. The Baptists and Methodists were respectable, and might justly boast of some increase through the Commonwealth. The proportion, however remained nearly the same, as it was in the latter part of the preceding century. Among

those of the Congregational order, different speculative opinions prevailed. This diversity of sentiment had previously existed. But more recently, it produced an alienation of affection, or a suspension of christian intercourse and fellowship, which many regretted, and which had not been known before. But where the minds of men are perfectly free to inquire, there will be differences of opinion, on speculative points of theology. And where there is no power to restrain and punish for opinions different from those of the majority, or of former times, many will be independent and honest enough to declare their views. In this state of freedom, there will also be controversy. This is sometimes conducted rather with a view to victory, or party, than to truth ; and generates an uncandid and bitter spirit. When managed with a suitable temper, it produces beneficial results, and ought not to be condemned.

After the war with great Britain and the general peace in Europe, which took place at the same period, Massachusetts made greater advances in agriculture and manufactures than in commerce. There was, indeed, a good spirit of commercial enterprize among the people ; but pursuits of this kind were not attended with such great profits, as at former periods. Several sea ports in the State became much impoverished ; and their trade almost annihilated. Manufactures were multiplied ; and agriculture, the first and most natural occupation of man, received substantial improvements. Societies were formed in all the counties of the State, for encouragement to farmers ; and monies were appropriated from the public treasury, for premiums to those who excelled in their farms, in

their cattle, and in the various fruits and products of the earth.

The soil of Massachusetts is not throughout so favorable to profitable agriculture, as that of some other States. But the greater portion of the people are farmers; and by industry and frugality, they secure a comfortable living. They are very generally well-informed, and correct in morals. They claim liberty as their birth-right; and have a generous desire to hand down to future generations the political privileges and blessings, so long enjoyed by themselves and their virtuous ancestors. Manufactures will probably increase among such an industrious people; but to be really profitable, their increase must be natural and gradual. Commerce and Navigation have been pursued from the first settlement of the Commonwealth; and the pursuit has enriched the State, and refined the character and manners of the people. No wise Legislature will ever discourage and repress such enterprises: For the effects would be calamitous to the whole people.

Governor Brooks continued to receive the suffrages of the people, until he publicly and expressly declined the office of Chief Magistrate, which was in 1823, when he had reached the age of seventy years. He had the satisfaction to reflect, that his conduct in the chair of State was acceptable to the multitude of his fellow citizens through the Commonwealth of both political parties, and especially to those who had given him their support; and to anticipate the continued prosperity and welfare both of the State and nation.

The last public State paper from Governor Brooks happily develops the sentiments and views

which were most prominent with him, in relation to the general welfare of the State, and the duties of the citizens. He had, indeed, expressed similar views on former occasions; and the fact serves to shew his great anxiety for the permanent prosperity and happiness of the people. So long only as such sentiments are appreciated, and so long only as the virtues he recommends are cultivated and exercised, will the civil blessings, for which Massachusetts has been eminently distinguished, be secure. A part of his last speech follows.

“A short time only had elapsed after the first founders of Massachusetts had began their settlements, before political and commercial jealousies on the part of the British government became very apparent; and at every period of her colonial existence, her interests were sacrificed to the avaricious and domineering spirit of the parent country. But a course of conduct, thus selfish and oppressive, though designed to impede the growth of the colony, and to insure its dependence on and subserviency to Great Britain, ultimately defeated its own purposes. Subjected, as the colonists were, to the unbending rigour of the colonial system, a limited commerce only was allowed them; and even the stinted share of traffic which they were permitted to prosecute, was encumbered with regulations far less calculated to remind them of their filial relation, than of their inferiority and subjection. Incentives to extensive enterprise were thus denied to her merchants; and the accumulation of capital, which a liberal commerce only can effect, was rendered impracticable. But while made to feel the weight of power, and to submit to the humiliation of colonial restrictions, they were led, by

a very natural train of thought, to investigate, not merely the nature of magna charta and the constitution of England, but the broad principles of all legitimate civil authority, founded on the natural rights of man; and ultimately, to form an estimate of the value of self government. In the mean time, habits of industry and economy were formed, and the skillful management of their circumscribed interests was acquired, and the colonists became fitted for acting their part well as subjects, and to sustain with honor the separation which awaited them.

“ But the acquisition of Independence failed to fulfil the public anticipations. The States, by mighty and united efforts, had become independent and free. Peace soon disclosed truths, which had hitherto been but partially believed, that the boasted union of the States, under the confederation, had resulted from the pressure of a common danger, and that something was yet wanting to complete the revolution, and insure the general welfare. The vital defect, however, was long felt and deplored, before the national will ordained a remedy. The beneficial effects, produced almost instantaneously, by the operations of the national government, were wonderful and incalculable. The sudden restoration of public and private credit, the animation given to enterprize and industry, in the various branches of political economy, and the general amelioration in the condition of the people, which are still in our recollection, were occurrences which transcended the hopes of the most sanguine. Massachusetts shared largely, for a time, in these results. But the regular order of peaceful commerce was destined to derangement.

A long series of astonishing phenomena ensued, involving the destruction of governments, the extinction of nations, and a change in the habits and occupations of a large portion of the human family in the civilized world. The citizens of this State, observant of the character of the times, and yielding to the allurements of emolument attached to the neutral flag, availed themselves very freely of their neutral rights. The unnatural excitement, however, produced in one branch of enterprise, left others to languish: and commerce, after suffering unexampled vexations from the belligerents of Europe, was driven from its ordinary channels in times of peace; and, eluding the sober calculations of the experienced merchant, became the subject and the victim of chicane and speculation. * * * *

“From every just consideration, Massachusetts ought to cherish a love of peace, it being a condition most congenial to the habits and feelings of the people, and most favourable for the cultivation of the means of improvement and happiness. The fisheries, one great source of subsistence and emolument, must, in a time of war, be annihilated; although in a time of peace they give lucrative employment to thousands of the hardiest of our fellow citizens, and constitute the greatest and most permanent nursery of seamen for our gallant navy, which is the pride of the United States, and the support of their commerce and honor abroad.

“The martial energies of our country have never been questioned; and her ability to sustain the arts of peace is now fully demonstrated. The enemies of the revolution represented us indeed, as possessing neither the intellectual, nor the moral,

nor the physical elements for constituting an independent government. But what are the facts? Our naval and military triumphs, our commerce, which, under the fostering care of a paternal government, has spread over the world, and is now gladdening the human heart in every clime; and above all, the contentment, the good order and social happiness, enjoyed by more than ten millions of free people, give the answer."

A writer in one of the public papers in Boston, expressed the sentiments of a large majority of the people throughout the Commonwealth, in the following brief notice of the character and services of Governor Brooks, which appeared a few days after his last message was sent to the General Court. It is the more proper to quote it, because no reply was made by the Legislature to the message; it being the practice only to answer a *Speech*, delivered by the Governor in person. To some, perhaps the praise bestowed by the writer, will appear to have been dictated by partiality and friendship. It is, indeed, the language of eulogy; but it was most justly merited.

"This able State paper is replete with sentiments, worthy of the Chief Magistrate of Massachusetts. It contains a brief review of the early situation of the Commonwealth; and of the means by which she has ascended to her present happy elevation. It leads us back to that gloomy period in our history, when in the weakness and obscurity of colonial dependence, the arm of power fell heavily on all her valuable interests, and our fathers were compelled to bow to the dominion of a foreign sceptre. It gives a lucid exposition of some of the causes, which provoked resistance to oppressions.

grown into a system of unmitigated tyranny, and of the principles, upon which the colonists determined to break the bondage that enslaved them, and assert their just rights to civil freedom and national independence.

“But our chief motive in adverting, at this time, to the document before us, is to express the deep regret, with which we learn, from its concluding paragraph, the resolution of his Excellency to retire from the chair, he has so long and so honorably occupied. This valedictory clause will be read with sorrow, by a people who know and appreciate the blessings of his administration. For seven successive years, he has ably and faithfully sustained the arduous and exalted office, from which he is about to descend, in the full enjoyment of public confidence. During this long period, he has uniformly acted under the consciousness, intimated in the message, “that the public interests should be watched with the vigilance of a faithful sentinel.” Succeeding in office that venerable statesman, whose political course was a career of wisdom and usefulness, the task was indeed an arduous one, to satisfy the public expectations in him who was to stand in the place of Governor *Strong*. But those expectations, exalted as they were, have been fully realized, in the administration of Governor Brooks. His robe of office was the mantle of his predecessor; and he has proved himself worthy of that pure and splendid panoply. The honorable attitude in which he now stands before his country, after a long life devoted to its service, while it fills us with regret that he is about to withdraw, may well create the anxious inquiry, upon whom is that mantle again to fall? Governor Brooks will descend to the

shade of retirement full of years and full of honors. In the dignity of virtuous age, we trust he will enjoy that repose and felicity, which are the just rewards of a life filled with public usefulness, and that best of earthly satisfactions, the consciousness of having so executed his high trust, as to secure the gratitude of his country and the approbation of his God."

When Governor Brooks retired from office, Mr. Phillips, who had been Lieutenant Governor for eleven years in succession declined a re-election. He was a man of good judgment, and of great firmness of purpose. His patriotism, his piety and his charities have rendered his name eminent among the good men of Massachusetts who have passed away. The most perfect cordiality subsisted between him and Governor Brooks; as well as Governor Strong, with whom he was associated in the government for four years.

During the impartial and magnanimous administration of Governor Brooks, party feelings were, in a great measure, suppressed or moderated; and political distinctions became less apparent, than they had been in former periods. He believed, that his political opponents, generally, were friends of good government and of the Constitution. And though he would not compromise his principles, or act contrary to his own convictions, he was ready to allow the virtue of patriotism in others; and to select for office, if capable and honest, those who had belonged to a different party from that of his most ardent friends. In some cases, he differed from his Council in this respect. Not that they were ever intolerant or exclusive; but they were not, perhaps, altogether so superior to the influence

of political feelings as he was. For the patriots and heroes of the revolution, he had a very strong attachment. He considered them worthy of distinction and honor, except where the infirmities of age rendered them incapable of performing the duties of a public station. In selecting persons for office, he had reference rather to their real fitness, and to assurances of fidelity, which their past characters gave, than to their political professions. It was his belief, that there were able and upright men belonging to each of the parties, which had long divided the State; and that it was proper for the Chief Magistrate to call to the public service, individuals of both political divisions, so far as their qualifications would justify him.

From 1790 to 1820, the population of Massachusetts steadily increased, notwithstanding the very great emigrations to other parts of the Union. Many of the inhabitants, during that period, removed from the State, and settled in Vermont, New York, Ohio, Kentucky, Illinois, &c. Lands could be purchased at a low price in those States; and the soil is more favorable to agriculture. The population in 1820, however, was more than double that of 1790; and had there been no emigrations, the census would, probably, have been nearly one third more than it was; making an increase of double the number of inhabitants in twenty one or twenty two years.

In the leading or peculiar traits of character, the people of Massachusetts are much the same, as for several generations past. They are not fond of great changes; and to mere innovations they are decidedly averse. Their first desire is to give their children a good education, and to maintain the lit-

erary and religious institutions of the Commonwealth. They acknowledge the importance of useful employment for all classes and ages, and are desirous that their children should acquire early habits of study and industry. They are ever ready to encourage useful inventions, and to adopt improvements in agriculture and the mechanic arts, although they are deviations from the pursuits of their ancestors. With such an intelligent and moral population, it will not be difficult to support a republican government. It is only when the people are ignorant and corrupt, that civil freedom is in danger, or that a few ambitious men can establish a despotic government where liberty has long been enjoyed.

APPENDIX.

The Proclamation of Governor Strong, issued the 26th of June, 1812, for observing the twenty third of July, as a day of public Fasting, Humiliation and Prayer, was as follows :—

Whereas it has pleased the Almighty Ruler of the world, in his righteous providence, to permit us to be engaged in war against the nation from which we are descended, and which, for many generations, has been the bulwark of the religions we profess ; and whereas, by this awful and alarming change in our circumstances, the people of this Commonwealth are, in a peculiar manner, exposed to personal suffering, and a loss of a great proportion of their substance ; it becomes us, in imitation of our fathers, in their times of perplexity and danger, with deep repentance, to humble ourselves before him for our sins, and for the ungrateful returns we have made to him for his mercies ; to ascribe righteousness to our maker, when he threatens us with the most severe of all temporal calamities ; and to beseech him to avert the tokens of his anger, and remember for us his former loving kindness and favour :

I do, therefore, by and with the advice and consent of the Council, and *at the request of the House of Representatives*, appoint Thursday, the twenty third day of July next, to be observed, by the people of this State, as a day of *Fasting, Humiliation and Prayer*—that, with penitent hearts, we may assemble in our places of public worship, and unite in humble supplications to the God of our Fathers, who was their defence in danger, and to whom they never sought in vain ; and beseech him, through the merits of his Son, that he would forgive our ingratitude, and our innumerable transgressions ; that he would

give wisdom, integrity and patriotism to our national and State governments, that "the leaders of the people may not cause them to err;" that he would inspire the President and Congress of the United States, and the government of Great Britain with just and pacific sentiments; that he would humble the pride and subdue "the lusts and passions of men from which wars proceed," and that peace may be speedily restored to us, upon safe and equitable terms—

That he would guard the lives of our soldiers and mariners, and protect our commerce and navigation from the dangers with which they are encompassed; that he would preserve us from intestine violence and from foreign invasion; that he would dispose the people of these States to do justice to the Indian tribes, to enlighten and not to exterminate them, and that he would protect our frontier settlements from their ravages; that he would preserve us from entangling and fatal alliances with those governments which are hostile to the safety and happiness of mankind; that he would regard with compassion the nations whose essential rights have been wrested from them by fraud and violence, and who are groaning under the cruel hand of oppression; that he would "break in pieces the power of the oppressor, and scatter the people who delight in war"—

That the inhabitants of this State may be the objects of his peculiar favour; that he would take them under his holy protection, "and hide them in his pavilion until these calamities be overpast;" that the chastisements with which he may think proper to afflict us, may serve to humble us and do us good; that we may not be like those who are hardened by his judgments, and who "in the time of their trouble multiply their transgressions against him;" that he would save us from the baleful influence of party spirit; and that whatever enemies may rise up against us from abroad, we may have peace and mutual confidence among ourselves, and know, by experience, "how pleasant it is for brethren to dwell together in unity"—

That he would accomplish the promises of his mercy concerning the future repose and prosperity of the human race,

“when men shall beat their swords into ploughshares, and learn war no more ;” when fraud and violence shall cease forever, and righteousness and peace prevail through the world ; when the kingdom of the Redeemer shall triumph over all opposition, and “the heathen be given him for his inheritance ;” and when “the earth shall be full of the knowledge of the LORD, as the waters cover the sea.”

GENERAL ORDERS.

*Commonwealth of Massachusetts, }
Head Quarters, Boston July 3, 1812. }*

War having been declared by the government of the United States against Great Britain and Ireland, and the dependencies thereof, the commander in chief calls upon the militia of Massachusetts duly to notice the solemn and interesting crisis, and exhorts them to meet the occasion with constancy and firmness.

When war is commenced no human foresight can discern the time of its termination, or the course of events that must follow in its train. But the path of duty is the path of safety. Providence seldom abandons to ruin those, who, to a just reliance on the superintending influence of Heaven, add their own vigilant and strenuous exertions to preserve themselves. At the present moment, therefore, the commander in chief earnestly recommends to the officers, of every grade, a close and persevering attention to the duties resulting from their several stations; particularly that they acquire and maintain a perfect knowledge of the condition of their respective commands, and see, as far as is in their power, that their men are duly armed and equipped; that the time allotted to trainings be devoted to the instruction of non-commissioned officers and soldiers in the exercise of arms, and in the practice of evolutions, as pre-

scribed in the established regulations; and that the provisions and intentions of the laws being in every respect fulfilled, they may be ready, with alacrity and effect, to defend their country, their constitutional rights, and those liberties which are not only our birthrights, but which at the expense of so much blood and treasure, were purchased in the late Revolution.

From the docility, from the good sense and patriotism of the non-commissioned officers and soldiers, the commander in chief is led to expect a patient submission to the instructions of their officers, prompt obedience to orders, and the practice of all those military and masculine virtues which adorn the soldier and exalt the man.

To all the militia, both officers and soldiers, the commander in chief would superadd an earnest exhortation, as they are citizens as well as soldiers, to cultivate a spirit of candor, of friendship, and mutual forbearance, and an ardent love of country, that shall elevate them above all sinister views, and eventually secure to them and their children the blessings of peace, of liberty and good government.

The commander in chief requires that particular attention be paid to the town magazines; that they are fully provided with ammunition, military stores, and utensils as the law directs; and the brigade quartermasters are required to perform their duty with promptitude and exactness.

In such divisions as have not completed the detachment of ten thousand men, called for by the general orders of the 25th day of April last, the major generals, or commanding officers of those divisions, are enjoined to attend to that service without delay, and to make and complete the detachments from their respective corps, of the several quotas of the said ten thousand men, and to make return of the same, as speedily as may be, to the adjutant general: the said generals, and other officers, will take care that the militia so detached are duly provided with the efficient arms and accoutrements necessary for actual service. The militia detached by the orders above alluded to, after they are formed conformably to said orders, will hold them-

selves in readiness to march, on the shortest notice, pursuant to the orders to be given by the commander in chief, unless in case of actual invasion, or imminent danger thereof; in which case, without waiting for such orders, they will march without delay, to the defence of any part or parts of this Commonwealth that shall be so invaded, or in imminent danger of invasion: and when in the actual service of the United States, will be under the command of the President, agreeably to the constitution of the United States.

And whereas the quota of ten thousand militia, required aforesaid, being to be raised from the several divisions and corps throughout the Commonwealth, cannot be assembled in time to repel a sudden invasion; and to embody them previously, and keep them in constant service, would be extremely burdensome, and even if assembled would not be adequate to the defence of the numerous points of a coast of several hundred miles in extent; the commander in chief further orders and directs that the generals, and other officers of the whole militia of the Commonwealth, bearing in mind the possibility of a sudden invasion, hold themselves, and the corps of militia under their respective commands, in constant readiness to assemble, and march to the defence of any part or parts of the Commonwealth, pursuant to the orders to be given by him; but without waiting for such orders, in case of actual invasion, or such imminent danger thereof as will not admit of delay.

By the general orders above mentioned, of the 25th of April last, three major Generals, and six brigadier generals, were assigned to command in that detachment, without being regularly detailed from the roster. The commander in chief, therefore, orders that the following general officers, being detailed from the roster as the law directs, be appointed to command in said detachment, in lieu of the general officers named in the general orders aforesaid, viz:

Western Division.

Major General Ebenezer Matoon,

Brigadier General Caleb Burbank,

Brigadier General Isaac Maltby.

Eastern Division.

Major General Henry Sewall,

Brigadier General John Blake,

Brigadier General David Payson,

South Division.

Major General Joseph B. Varnum,

Brigadier General Ebenezer Lathrop,

Brigadier General William Hildreth.

By order of the Commander in Chief,

WILLIAM DONNISON, *Adjutant General.*

GENERAL ORDERS.

*Commonwealth of Massachusetts, }
Head Quarters, Boston, Sept. 6, 1814. }*

The war between the United States and Great Britain having lately become more destructive, in consequence of violations of our territory, by the force of the enemy, which continue to menace our cities and villages, the shipping in our harbors, and private property on shore, his excellency, the commander in chief, orders the whole of the militia to hold themselves in readiness to march at a moment's warning, with arms, ammunition, and accoutrements, as the laws of the United States, and of this State require. Every man must likewise be provided with a good knapsack and blanket. Captains of companies must realize it to be one of their most solemn and imperious duties, to see the law respecting arms and equipments efficaciously executed; but the commander in chief relies on the concurring aid of all the general and field officers in encouraging the company officers in the discharge of their duty. The major generals and commanding officers of divisions will

give the necessary orders for an immediate inspection of their several regiments, by companies. Every instance of deficiency of arms or equipments should be forthwith supplied by the delinquent individual, or by the town to which he may belong, agreeably to the requirements of the militia law.

The officers commanding regiments, battalions, and companies of artillery, will pay special attention, at this interesting moment, to the state of their field pieces, their carriages, and tumbrils, and see that every thing appertaining to them is in the most perfect order for marching, and for action, and particularly that suitable horses are always engaged, and ready, at any moment, to be attached to their pieces, that they may be moved to any point required with celerity. All the companies of artillery, now to be called into immediate service, besides the requisite supplies of fixed and other ammunition, will be furnished by the Quartermaster General, with prolonges and bricoles. The legislature of this State, always proud of its militia, has been particularly liberal in its artillery establishment; and the commander in chief promises himself, that, emulating the brilliant example of Knox, and his heroic associates, in the artillery of the revolution, they will be equally distinguished for their discipline as soldiers, and for their gallantry in the field.

Under possible events, the cavalry of the several divisions may be in requisition. Every motive, therefore of love of country, of honor and sympathy for their fellow citizens, who may be suffering the perils of war, will prompt them to maintain the most perfect state of preparation, and to move, when called to the scene of action, with all the rapidity of which cavalry is susceptible. The general officers, and the field officers of cavalry, as well as the company officers, will direct their attention to the quality of the horses, and suffer no man to be mounted but upon a horse sound and fit for actual service. A few bad horses may occasion irretrievable disaster.

The commander in chief having thus called the attention of all officers and soldiers of the militia to the observance of their

several duties, at this eventful crisis, the more effectually to meet impending danger, orders that all the flank companies, whether of light infantry, grenadiers, or riflemen, of the 1st and 2d brigades of the 1st division, two companies, viz: the one at Andover, and the other at Haverhill, of the 2d division; all the companies of the 3d division, excepting the two companies in Charlestown; four companies of the 4th division; five companies of the 5th division; eight companies of the 7th division, and two companies of the 9th division, do immediately march to the town of Boston, unless (in the mean time) otherwise directed. Each company will march to its place of destination by itself, without waiting for any other corps.

These companies when assembled, will be arranged into regiments, or otherwise as circumstances may dictate; and, with the addition of twelve companies of artillery, will form the elite, or advance corps of the Massachusetts militia. The field officers to command the regiments, and a general officer to command the whole, will hereafter be designated in general orders. The several companies of artillery to be annexed to the advance corps, will be furnished by the following divisions, viz: two companies from the 1st brigade, and one company from the 2d brigade of the 3d division; four companies from the 4th division; one company from the 5th division, and four companies from the 7th division.

Besides the above mentioned companies, the commander in chief orders a detachment of sixteen companies of infantry to be immediately made from the 4th division, properly officered, and arranged into two regiments, which will march to Boston without the least unnecessary delay. Major General Mattoon is charged with the arrangement of the regiments. From the 9th division, the commander in chief orders eight companies of infantry to be detached, properly officered, formed into a regiment, and marched to Boston. Major Generals Mattoon and Whiton will assign field officers for the troops, to be detached from their respective divisions; and the commander in chief relies on their experience and zeal to carry this order into the

most prompt and energetic effect. As soon as the troops shall commence their march, each Major General will give notice of it to the Adjutant General.

All the troops must be well armed, accoutered, and equipped; and provided with ammunition, provisions, knapsacks, and blankets, as the law requires. The men will be supplied with rations when they arrive at the place of destination, and will receive pay from the time of their being embodied.

The security of the town and harbor of Boston being an object of primary importance the commander in chief, while he wishes to direct the principal energies of the state to the attainment of this end, is solicitous to render the militia of Boston itself as efficient as possible. With this view, he orders the infantry of the the third brigade of the 1st division commanded by Brigadier General Welles, to be called out by regiments, in rotation, two days successively, for the purpose of improving their discipline, already respectable, and of enabling them to practice the higher duties of the field.

This order is committed to Brigadier General Welles, whose knowledge in tactics, and animated zeal in the service of his country, must ensure to his exertions the highest effect. The order will be continued in operation until revoked. The flank companies of this brigade will be reserved for other service.

The troops called into actual service by this order, will serve three months after they arrive at their ultimate rendezvous, unless sooner discharged.

By his Excellency's command,

JOHN BROOKS, *Adjutant General.*

*Answer of the House of Representatives to the Governor's
Speech, January, 1814.*

“The people of this Commonwealth, by the seasonable assertion of their right to investigate political measures, have checked a disposition manifested in some parts of the country, to stifle fair inquiry, to suppress the freedom of speech and of the press, and thus to protract the evils of misgovernment, and screen the errors or vices of a ruling party from exposure. While the privations and burdens of a war, deemed by the greater portion of our fellow citizens to be unjust, and by a still more numerous class, wanton and inexpedient, have been sustained with a patient respect for constitutional principles, its origin ought not to be forgotten. It should, on the contrary, be held in perpetual remembrance, as a warning to a once deluded people against yielding to the dominion of passions, of which a weak or wicked administration may take advantage to involve them in the deepest national calamity.

“The British orders in Council, and the casual abuses arising from the practice of impressment, have ceased to be considered by impartial men as the causes of the present war. These were probably mere *pretences* for precipitating the nation into the gulph of a fatal policy, to the verge of which its authors had been impelled, by their own passions. The real course of the war must be traced to the first systematical abandonment of the policy of Washington, and of the friends and framers of the Constitution ; to implacable animosity against those men, and their exclusion from all concern in the government of the country ; to the influence of unprincipled foreigners over the press, and the deliberations of the national government in all its branches ; to a jealousy of commercial States, envy of their prosperity, fear of their power, contempt

for their pursuits, and ignorance of their true character and importance ; to cupidity of certain States for the wilderness reserved for the miserable aborigines ; to a violent passion for conquest, and an infatuated belief that neighbouring provinces were enamoured of our institutions, and would become an easy prey to the arts and arms of raw and boastful adventurers , and above all, to delusive estimates of the relative power and resources of Great Britain and France, and a determined hostility towards the former, as the firmest basis of party power. These will be viewed by the present generation and by posterity, as the sources of our present national evils ; and the *pretence* of aiming to secure the freedom of commerce and of seamen, by regulations which compel both merchants and sailors to renounce the ocean of their professions, will be regarded as the *boldest delusion ever attempted by a ruling party upon the credulity of an intelligent people*.

“ The recent act of Congress interdicting commerce under the name of an Embargo, has filled our minds with great solicitude for the fate of our country, and its liberty. The authority possessed by the national government, in relation to this subject, must be derived either from the general power to make war, or from the clause in the Constitution, which gives power to Congress “ to regulate commerce with foreign nations, and among the several States.” Under colour of an authority defined in those very intelligible terms, a right is claimed and exercised by Congress, of *prohibiting* not only all foreign commerce in American vessels, but the coasting trade ; and so far as Massachusetts is concerned, all intercourse by water between different parts of the same State. Such a construction is a violation of the Constitution, which renders it an instrument of slavery, rather than of mutual defence and security. An Embargo of this character, and intended, at least, for one year’s duration, is not a *regulation*, but an *extinction* of commerce : and it is worse than useless for the objects of war, as it destroys the resources which are indispensable for its success. It absolves, from the obligations of citizens, all those who are

disqualified by its arbitrary provisions from enjoying their rights or fulfilling their duties.

“ In reviewing the instructions given to the officers entrusted with the execution of this act, we avow with pain and alarm our persuasion, that they are at open variance with the first principles of constitutional and civil liberty. The inhabitants of distant parts of the Commonwealth are debarred from all communication with each other by water. The fisherman, whose humble and arduous employment is generally encouraged by the public enemy, can no longer pursue his calling. The ship owner cannot sell his vessel without restraints equivalent to a prohibition, however urgent the claims of his family or creditors. The paltry traffic which is still permitted, is left to the mercy and caprice of custom-house officers and their substitutes. A power of seizing money and effects, upon vexatious pretexts, or vague suspicion, and under the most innocent circumstances, is vested in men dependent on executive favour, and too often destitute of discretion and principle. A system of perfidy and breach of trust is explicitly recommended to the practice and adoption of the officers of banking institutions, towards those who deal with them upon terms of implicit honor and confidence.

“ And to enforce these outrageous provisions, and others of the same stamp, and involving great danger to personal liberty in various instances, the military and naval force of the United States is placed at the disposal of petty officers ; and the lives and property of the citizens subjected to the controul of bayonets and cannon. With these impressions, we are under a solemn conviction, that the time has arrived, in which it is incumbent on the people of this State to decide, whether these burdens are not too grievous to be borne, and to prepare themselves for the great duty of protecting, by their own vigour, their unalienable rights, and of securing for themselves, at least, the poor privilege of mutual intercourse by water, as well as by land.”

Adopted by a vote of 290 to 125.

Remonstrance of the officers of the Militia, in the vicinity of Portland, who were called out for defence of that place.

To Major General Alford Richardson, commanding the militia called out for the defence of the town of Portland.

The undersigned ask leave to represent, that, by a general order, of the date of twentieth day of September current, they are given to understand, that a detachment of the militia, to the amount of eleven hundred artillery and infantry, is to be made, and placed under the command of Brigadier General Chandler, an officer of the United States, and in the service of the same.

Against this disposition of any part of the militia of this commonwealth, the undersigned ask leave respectfully to remonstrate. And in doing this, they would request that the course of conduct, which they consider it their duty to pursue, may not be attributed to any motive, dishonorable to the *soldier*, or disreputable to the man. The promptness and alacrity with which they assembled at this place, at the moment when danger was threatening their fellow citizens of the metropolis, is an assurance that they are ready to defend their country from invasion, and have courage to preserve it unpoluted by any hostile foot. They, therefore, in remonstrating against this arrangement, think they have a claim to be heard, and that the reasons which may be offered, may be candidly weighed by the Major General, and that an ultimate decision may not be made without mature deliberation and reflection.

And first, your remonstrants are opposed, in principle, to the arrangement, inasmuch as they consider it unconstitutional, and subversive of the sovereignty of the Commonwealth of Massachusetts.

The constitution of the United States provides, that the President shall be commander in chief of the militia of the several states, when called into actual service of the United States. But we believe that this command is to be exercised by the officers of the militia, appointed by the States, and in this way only.

This construction the undersigned consider as sanctioned by the opinion of the supreme judicial court, delivered to his Excellency the Governor in August, A. D. 1812.

Having thus shown, in the opinion of your remonstrants, the unconstitutionality of the contemplated arrangements, the undersigned will be excused for pointing out some of the evils which may result from a different construction. General Chandler is himself a subordinate officer, and can make no pledge, which he may not be compelled to violate; or violate obligations paramount to any which he may stipulate, with regard to the station of troops under his command. The undersigned, therefore consider that, when once under the command of an United States officer, it will not be in the power of any officer in this Commonwealth to prevent their being marched to any post where the President may please to direct.

They may be compelled to abandon the defence of those, whom they volunteered to protect, and marched from their families to some place more assailable by the enemy, or deemed more important by the President of the United States. The probability that they will, is strengthened by the desire manifested to have the militia at the controul of the United States officers.

Again, it is a well known fact, that the officers of the United States hold the militia in the most sovereign contempt. They have no regard to their local habits or feelings. By a law of the United States, officers of the United States, of the same grade, take rank of the militia, when incorporated with them. In this way, the old and honorable militia officer is liable to be commanded by the stripling, for whom family influence, or political motives, may have procured a commission. Where have we a

pledge, that the many incumbents of offices in the army of the United States, whom we see in our streets, without men to command, may not be incorporated with us and our troops, and thus we be reduced to a cypher, and our men in effect given to the caprice of those who have no sympathy with their situation? Can General Chandler give such a pledge? We think not. He himself may be bound by others' orders, whatever may be his disposition.

We are not insensible that the proposed arrangement is intended to save expense to the commonwealth. But we apprehend the United States are, and will be bound, by the national compact, to pay the expense of our defence, whether the militia is put under the controul of United States' officers, or commanded by their own.

If the United States have the injustice to refuse a claim so well founded, we can only say that the objects of the national compact are at an end.

But, shall his Excellency the Governor give up his prerogatives, and those of the Commonwealth, because the United States are unjust? On principles of economy, then, we cannot agree that the proposed arrangement has any advantage above any other; and should the United States be so unreasonable, as to refuse to let the militia defend those posts which are exclusively within their controul, unless the militia will be put under United States officers, and this, too, when it is acknowledged that the United States have no adequate force to defend those posts, we can only say, it is time they were surrendered into other hands.

The officers of the militia will not conceal the repugnance, which they have to bring themselves, and having their men exposed in posts, from their weakness wholly inadequate to any effectual defence. For these, and many other reasons, which might be mentioned, the undersigned respectfully remonstrate against the arrangement proposed by general orders of the twentieth day of September, and to give Major General Richardson a clear understanding of the repugnance which they

and the troops under their respective commands, feel, in submitting to be placed under the command of General Chandler, or any other officer of the United States; at the same time, pledging themselves to be ready for any danger or emergency, while they can be commanded by their own appropriate officers, the men of their choice.*

Portland, September, 24, 1814.

* This Remonstrance was signed by 5 Majors, 10 Captains, 8 Lieutenants, and 7 Ensigns.

*Answer of the House of Representatives to the Governor's
Speech, June, 1815.*

“Whatever may be the fate of Europe, we may reasonably hope, that the peace of our country will not be hazarded by unnecessary interference in the disputes which agitate other nations. In ordinary wars, neutrals are a convenience to belligerents; and in the extraordinary conflicts which have so long made mutual destruction the order of the day in Europe, it is seldom that any of the contending powers seem to have been interested or inclined to involve the United States in hostilities. We should therefore presume that our country is in little danger of being forced into war; and that our national rulers, after the experience they have had of the difficulties, sacrifices and expenses attending war operations, will not again volunteer in the unprofitable contest. The task of repairing its past ravages upon the public and private resources of the country will be sufficiently sad and arduous.

“We agree in the opinion, that as the war has been concluded without any stipulation relative to the impressment of sea-

men, it is to be presumed, the future exercise of the right, claimed by Great Britain on that subject, will no longer be considered a just cause of war ; and that, by the exclusion of foreign seamen from our service, it is in our power to prevent all future dispute or inconvenience arising from that source. It is easy to do justice to ourselves, and to conciliate it from others ; but if the last resort becomes necessary, it is wise to put our antagonist in the wrong. Such a course will produce mutual confidence and strength at home, and diminish the chance of contention abroad.

“ Although the avowed objects of the war have not been attained by the treaty, there was yet ample reason for the general joy which pervaded the country on the restoration of peace. The credit of the nation and its means of prosecuting the war were at an end ; the sufferings of individuals flowing from the failure of public credit and the suspension of business ; the universal feeling, that the salvation of the country depended on peace, rendered all question as to the actual provisions of the treaty trivial and insignificant. This state of the public feeling was in itself the most profound reproach on the authors of a war, whose evils were so wholly disproportionate to the avowed causes, that the latter were entirely forgotten in the pressure of the former. ’

“ In another view, the people had great reason to congratulate themselves on the conclusion of peace. War, under a free form of government, endangers civil liberty, while it disturbs or destroys individual prosperity and happiness. An unusual portion of power is then necessarily entrusted to executive and military officers ; the violation or overthrow of the land marks of civil rights are unnoticed or submitted to in the pressure of more interesting events ; illicit trade or legalized plunder takes place of lawful commerce ; and the passions of men, roused and heated in the rival work of destruction, offer the most favourable moment to those who entertain designs hostile to popular freedom.

“ The peace of no nation should be put in jeopardy upon

questions of a doubtful nature ; but under a popular and paternal government, which is presumed to be uninfluenced by ambitious policy, the evils of war should be encountered only upon the most obvious and unquestionable grounds of necessity. The strength and resources of the country will then act with union and effect ; and its reverses will be borne with manly and uncomplaining fortitude. Although we have gained by the treaty but little besides peace, yet we are informed by high authority, that the war was glorious and the peace honorable. By what course of reasoning, that position can be maintained, we are at a loss to comprehend. Such a declaration may satisfy some men ; but can afford no triumph to those who believe, that a very little more of such glory must have ruined the country. It is indeed true, that our armies have gathered laurels, and our naval warriors, by a series of splendid achievements, have raised a monument of glory to themselves, while they have established, by unquestionable proofs, the justness of that early policy of the federal government, which proposed to confide to a navy the protection of commerce and the defence of her maritime rights. For those achievements, and the advantageous light in which they exhibit to the world the American naval and military character, we are indebted to a few individuals of merit, and not to an administration, whose mistakes and improvidence have been but ill concealed, even behind the brilliant actions of the ocean, the lakes, and the Mississippi. *In our estimation, a war to be glorious must be founded in justice, and conducted with prudence, ability and success : and a peace, to be honorable, must have secured, by legitimate means, the objects of the war.*

“ We presume it will not be denied, that in the measures taken by the government of this Commonwealth, during the late war, it was intended faithfully to execute the duties enjoined by the Constitution, and to be governed by its principles, according to a sound construction thereof. The course adopted has been attended by the most favourable results ; and by the saving of great and useless expenses to the nation. It has

also received the decided approbation of the people, as expressed in their elections : and we may cheerfully leave to the more impartial judgment of future times to decide, whether the exposition of the principles of the Constitution, given by your Excellency and sanctioned by the other departments of this government, is not the most consistent with the purposes of that instrument, as well as the most favourable to civil liberty. If the necessities produced by a state of war seem at any time to urge a departure from fixed principles, *a degree of firmness and independence, which shall be unmoved* by the suggestions of fear, must be opposed at the threshold, by those whose duty it becomes ”

Answer of the Senate to the Governor's Speech, June, 1815.

“ The termination of the late unhappy contest, between the government of the United States and Great Britain, affords to the Senate of this Commonwealth the most unfeigned joy, and demands the most sincere and hearty thanks of the people to the Almighty Disposer of events, by whose providence an end has been put to the miseries of war. And we congratulate your Excellency upon the present auspicious circumstances of our country, which are adapted to lighten the cares of government, and to give additional value to the recent pledge of confidence in your Excellency, which has been renewed by the people of this Commonwealth.

“ It would be a most pleasing and consoling prospect, if the state of the nations of Europe authorized the expectation, that this quarter of the globe was now destined permanently to reap the fruits of peace, from which she has been so long estranged; and to repair the desolation of war, by an amicable competition

with each other and with *our* country, in the pursuits of probity, industry and economy. But whatever may be the issue of the astonishing events, which agitate the old world, and confound human foresight, we unite with your Excellency, in the sincere and anxious hope, that the future prosperity of the people of these States may not be interrupted by a *needless* interference in the disputes and conflicts of other nations.

“ We should have derived great satisfaction from perceiving, in the late treaty of peace, express stipulations, relative to the avowed objects of the war, which might have been calculated forever to put at rest the controversies which led to that calamity. But we complain not of the national administration, for the omission of such stipulations. We presume they were unattainable; and we readily express our conviction, that, in acceding to the terms of the treaty, government consulted the best interests of the nation. We ardently hope, that the *good fortune*, which has enabled them to extricate the country and themselves from distress and embarrassment, will be accompanied by a sincere desire of a firm and protracted peace, and not by unfounded pretensions, which, by entangling our nation in the broils of foreign powers, may expose its vital interests to *needless danger*.

“ We agree with your Excellency in the sentiment, that it is a matter of indifference to the great body of the people, by whom the government is administered, if the conduct of the administration is calculated to promote justice and public tranquillity: And if the policy of our present rulers shall be adapted to retrieve the national prosperity, to establish public credit, to provide for the common defence, and prolong the blessings of peace, it will be the duty of every citizen, discarding all local and personal partialities, to co-operate, each in his own sphere, in efforts for the attainment of these important objects.

“ The universal joy, which the return of peace has infused into the public mind, is already justified by events at home and abroad. In our own beloved country, an enlivening impulse is already given to commerce and the peaceful arts. Industry

is again occupied, in all its branches, and the brow of care is smoothed by the sensation of prosperity. Public credit already revives; and may, by judicious fiscal arrangements, founded on unequivocal punctuality and good faith, be fully restored; and the rapid transition of the people, from depression, which follows the want of occupation, to the animation which is inspired by the pursuit and expectation of competency, demonstrates that peace is the natural and favorite condition of the American citizen.

“In the systems of some statesmen, it is an axiom, that occasional wars are indispensable to devolope the power, organize the resources, preserve the military habits, and rouse the dormant energies of a peaceful community. If among our men of influence there should be any who cherish this theory, we trust, that the glory acquired by our navy and army, the capacity and determination, manifested by this people, to defend their soil, and the facility with which the citizen was transformed into the soldier, when the occasion required it, will reconcile them to the conclusion, that the present age, at least, will be in no danger of degeneracy, through want of the renewed excitement of open war.

“That, in a confederacy newly organized, upon the first experiment of a trying and unexpected emergency, the minds of men should be agitated by collisions of opinion, relative to the reciprocal duties of the national and State governments, ought not to be a matter of surprise. When the ferment, arising in such a state of affairs, shall have subsided, the wise and good of all parties, who feel an interest in the union and welfare of their country, will calmly review the grounds and principles of their creeds, and finally adhere to such expositions of the Constitution, as are warranted by its true meaning and design.”

Address of the Convention to the people of Massachusetts.

FELLOW CITIZENS :

It was provided in the Constitution, established in the year one thousand seven hundred and eighty, that a revision might be had, after an experiment of fifteen years. When these years had elapsed, the people declared that they were satisfied ; and that they desired no change. The same satisfaction was manifested during the next twenty five years, and would probably have still continued, if the separation of *Maine* from *Massachusetts*, had not made it proper to take the opinion of the people, on the expediency of calling a *Convention*.

It appeared that not one *fourth part* of the qualified voters in the State, saw fit to express any opinion ; and that of the eighteen thousand three hundred and forty nine votes given in, six thousand five hundred and ninety three, were *against* revision.

We have inferred from these facts, that you did not desire any *important* and *fundamental changes*, in your frame of Government ; and this consideration has had its just influence on our deliberations, in revising every part of the Constitution, which we were required to do, by the words of the law, under which we are assembled.

We have kept in view, that the will of the majority can alone determine what the Powers of Government shall be, and also the manner in which these powers shall be exercised ; and that it is, consequently, your *exclusive* right to decide, whether all, or any of the amendments, which we think expedient, shall be adopted, or rejected.

In the performance of our duty, we have been mindful of the character of *MASSACHUSETTS* ; and, that the profit of *experience* is justly valued, and that the precious right of *self government* is

well understood, in this community. Perfect unanimity is not to be expected in a numerous assembly. Whatever difference of opinion may have occurred, as to expediency, there has been no difference as to the ultimate object, viz : the public security and welfare. If we have not all agreed in every measure which we recommend, we are satisfied, that natural and honest difference of opinion, must ever prevent, in a like numerous meeting, greater accordance than has prevailed among us.

Every proposed change or amendment has been patiently and fairly examined, and has been decided upon, with the utmost care and solicitude to do right.

We have the fullest confidence that you will take these things into view, when you perform the serious duty of deciding, for yourselves, and for successive generations, on the result of our efforts.

In framing a Constitution, or revising one, for an extensive Commonwealth, in which various interests are comprised, nothing more can be hoped for, than to establish *general rules*, adapted to *secure the greatest good for the whole society*. The revised Constitution, which we now respectfully submit to you, can only be considered as *one general LAW*, composed of connected, and dependent parts. If any one part, considered by itself, seem not to be the best that could be, its merit, and the justice of its claim to approbation can be known only by its *connexion* in the system, to which it appertains.

With these remarks, we beg leave to state the Amendments which we have agreed on, and our reasons for having done so.

THE DECLARATION OF RIGHTS.

It is known to us, that the EMINENT MEN who framed the Constitution, under which we have lived, bestowed on the only article, which has occasioned much discussion among us, the greatest attention. They appear to have considered RELIGION in a two fold view ; *first*, as directory to every rational being, in the duties which he owes to the CREATOR OF THE UNIVERSE ; but leaving to every one, to decide for himself, on the man-

ner in which he shall render his homage, avow his dependence, express his gratitude, and acknowledge his accountability ; and, *secondly*, as a SOCIAL DUTY, prescribing rules to men, in their intercourse with each other, as members of the same family. They held social worship to be most intimately connected with social welfare. They believed moral excellence, to be no less the effect of example, and of habit, than of precept. They seem to have been convinced, that in proportion as the members of civil society, are impressed with reverence for the social rules, contained in REVEALED RELIGION, will they be faithful in performing those obligations, on which political happiness depends. Upon such principles they rested those provisions which require an habitual observance of the SABBATH, and the support of *public teachers* in the sacred offices of that day. In all these sentiments we do most heartily concur.

But we have thought it necessary to propose some changes in the *third article*.

The public sentiment on that part of the article, which enjoins on the Legislature to require attendance on public worship, has long been definitely expressed, and is well understood ; and we, therefore, propose that so much of this article as relates to this subject, should be annulled.

We are also of opinion, that members of all religious societies ought to have the right and privilege, to join, and worship with, any other society of the same denomination ; as they now have the right to join themselves to any society of a different denomination from that with which they have worshipped.

Furthermore, that the power, and duty, of the Legislature to require provision to be made for the institution of public worship, and for the support and maintenance of public teachers, shall extend and be applied equally to societies which are unincorporated, as to those which are.

We recommend also, a provision, that all taxes assessed for the support of public worship, upon real estate, of any non resident proprietor shall be applied towards the support of public worship, in the town, precinct, or parish by which such tax-

es are assessed ; unless such proprietor shall be resident within the Commonwealth, and shall be of a different denomination of christians from that of the town, precinct, or parish, by which such taxes are assessed.

We propose further to amend the Declaration of Rights so as to provide, that persons on trial for crimes may be heard by themselves, and counsel ; instead of themselves or counsel as the article now stands.

We now propose another amendment, that no person shall suffer imprisonment, or other ignominious punishment, on official information ; nor unless on indictment by a Grand Jury ; except in cases expressly provided for by law. This amendment takes from public prosecutors the common law rights to arraign, of their own authority, any citizen for misdemeanors or crimes without the intervention of a Grand Jury, representing the people of each county.

ALTERATION OF THE POLITICAL YEAR.

We recommend that there should be ordinarily but one session of the General Court in a year. We believe that more is not necessary ; that the expense of legislation will be diminished ; and that it will be convenient to bring the common and political year into conformity.

A necessary consequence of this change, is an alteration of the time of holding elections ; the day, most convenient for this purpose, in the opinion of the Convention, is the second Monday of November. We propose that all the elections of State Officers, which are to be made by the people, shall be made on that day. This provision will not lessen the number of days, which, by our present Constitution, must be devoted to elections. It will, we believe, induce a fuller attendance of the people, and a more certain expression of the public voice, in the important duty of choosing public officers.

ELECTORS.

We are satisfied that the qualifications as now required in Electors, produce some inconveniences, and are liable to some

After a patient investigation of this subject, we have concluded that a residence of twelve months within the State, and of six months within the town, or district, next preceding an election, and payment of a State or County Tax therein, constitute an uniform and intelligible rule, as to the right of voting ; and we propose the adoption of this rule, in all elections of State Officers, and the abolition of all other qualifications now required.

We believe that the change which we recommend in this respect will relieve Selectmen from much perplexity, and will enable them easily to distinguish between those who have a right to vote, and those who have not.

THE SENATE.

After the most careful and faithful examination of the principles of the government, we have not found it expedient to change the basis on which the Senate was placed, by the Constitution we have revised. It is admitted that the legislative power should be given to two distinct assemblies, each having an absolute negative on the other.

In considering this subject, we have distinguished between the people, of whom we are ourselves a part, and those who may be chosen to legislate. It is the people who are to be secured in their rights and privileges, by a Constitution, and not their public servants. This object can only be effected by a clear and permanent limitation of the power which is to be exercised.

The people may impart whatsoever power they see fit. Their security consists in doing this in such manner, that the trust which they create may not be abused, nor the public welfare betrayed. It is therefore wise to provide for frequent elections ; and to require certain qualifications in the elected ; and the concurrence of different legislative branches on all public laws ; and so to constitute those branches, as that no act shall obtain their joint approbation, which is not intended to promote the common welfare.

All free governments of modern times, have found it indis-

pensable, not only to have two distinct legislative branches, but to rest them on such different foundations, as to preclude, as much as possible, all such dangerous sympathy and union, as may govern and direct the will of a single assembly.

If the number of inhabitants be the rule by which the members of the two branches are to be apportioned, and all are to be chosen at the same time, and by the same electors, we think that the safety which the Constitution is intended to effect, may not always be obtained. If an election should take place when very strong and general excitements are felt, (and from such, no human society can be always exempt) there would be little to choose between placing Legislators so elected in the same, or in two different assemblies.

We repeat, that the people's agents ought ever to be distinguished, in settling a frame of government, from the people themselves ; and that no more should be hazarded on the manner in which power may be used, than necessarily must be, to give power enough to do that which should be done.

The mode in which the two branches should be constituted, to secure the check which we consider to be so highly important, is the only point as to the Senate, which has been much discussed among us.

In some of the States in our national confederacy, elections for two or more years have been adopted, as a security for the independence and fidelity of Senators. In others of them, a Senator must have a large landed estate ; in others such an estate is required both in the elector, and the Senator.

The basis adopted in the Constitution of this State is, that Senators shall be apportioned throughout the State, according to the amount of public taxes paid in Districts of the State. That is, that the liability to be taxed, shall be accompanied by the right to be represented. We have not heard that this principle has been complained of by the people ; nor do we believe it is justly exceptionable in itself ; on the contrary, the experience of forty years entitles it to the most entire respect and confidence. We have not thought it expedient, nor do we be-

lieve that you expected of us to make any fundamental change in this department. We have done no more than to make the necessary provision as to Districts, and to fix the number of Senators. We recommend that the number should be thirty six ; this number can be more conveniently distributed than any other throughout the State. A smaller number is not sufficient to perform the duty required of the Senate ; nor should the power of negating the will of the House of Representatives, be confided in a smaller number.

THE HOUSE OF REPRESENTATIVES.

We have found great difficulty in amending the Representative system, in a satisfactory manner. We have all agreed that whether the Representatives are few or many, the people ought to be equally represented in this branch. It was the general opinion, that the number should be reduced ; that town representation should be preserved ; that payment should be made from the State Treasury. Such mode of payment has been repeatedly voted in the House, and on one occasion it obtained the concurrence of the Senate. There is reason to believe that it will become the established mode of payment. But if it be so, and the present system of representation continues, the expense must soon become an insupportable burthen. A House composed of one hundred or one hundred and fifty members may be fully sufficient for all purposes of legislation ; but there could not be a reduction to such number, unless the State be divided into Districts, and consequently representation by towns be given up.

We endeavoured, in the system which we submit to you—1. To reduce the number—2. To preserve the privileges of town representation—3. To provide for payment out of the State Treasury—4. To insure a general and constant attendance of members throughout the session.

To accomplish these objects, we recommend that twelve hundred Inhabitants should have one Representative, and that twenty four hundred be the mean increasing number for every additional Representative.

But as nearly one half of the towns in the State average about eight hundred Inhabitants, we propose that these towns should each choose a Representative every other year, and that they should be divided by the Legislature into two classes for this purpose ; one or the other of which classes will choose every year.

To show the application of this system ; about seventy four Representatives will come every year from the classed towns, which will be one Representative for every 1632 Inhabitants in all the classed towns ; from those towns containing between twelve hundred and twenty four hundred will come one Representative for every 1650 Inhabitants ; from those towns containing more than thirty six hundred Inhabitants will come one Representative for every 2400 Inhabitants. These calculations (necessarily taken from the census of the year 1810) are not precisely accurate ; but they are sufficiently so to show the effect of the system.

It is apparent that towns having between twelve hundred and thirty six hundred Inhabitants, can send but one Representative ; and that there will be large fractions in some of these towns. Perfect equality is not attainable under any system. There are fewer inequalities in the proposed system than in any which we have been able to imagine, if the four objects which we have mentioned are to be provided for ; and we believe that the progress of population will constantly diminish those inequalities which may now exist.

We propose that in those years in which the valuation is settled, every town shall be represented.

By the proposed system the number of Representatives will be about two hundred and sixty. We have thought it proper to offer to you further provisions, intended to prevent an increase in the number of Representatives, over two hundred and seventy five, in any future time. This may easily be done by empowering the Legislature to augment the ratio, after successive enumerations of the inhabitants. There was very little difference of opinion among us, on the expediency of pro-

viding, that no town shall be hereafter incorporated with the right of sending a Representative, unless it contain twenty four hundred inhabitants.

If you are not willing to District the Commonwealth to elect members of the House ; if you are not willing to continue the present mode of numerous representation, with the liability to the enormous expense which would accrue from paying out of the public Treasury, some such system as we propose must be resorted to. We will not say, that this is the best that could be ; but we may justly say, that we have spared no exertion to form, and to present to you, the best which we could devise.

LIEUTENANT GOVERNOR AND COUNCIL.

We recommend that the *Lieutenant Governor* should have the like qualifications as are required in the *Chief Magistrate*, for the obvious reason, that the duties of the Executive Department may devolve on him.

During the last fifteen years, the *Counsellors* have been chosen by the Legislature from the people at large, after election, and resignation, from among those citizens who were returned as Senators, and Counsellors. Experience has shewn no inconvenience in this mode of election ; and we have deemed it to be proper, so to amend the Constitution, as to establish this mode. This change is, in effect, nothing more than doing away the useless form of choosing from the Senate. We did not prefer to elect Counsellors by a *general ticket*, because we believe that there would be some difficulty in *agreeing on candidates* ; and that the electors, throughout the State, would not have such knowledge of candidates, as would enable them to exercise the right of suffrage in a manner acceptable to themselves. We did not prefer to choose Counsellors in *Districts*, because we were of opinion, that it would not be agreeable to the citizens to be associated to exercise the right of suffrage on this occasion, as they would not be so united on any other : And that it would be an useless labor and expense to form such districts, and an unnecessary burden on the people to meet and vote in such districts.

We conceive, that a choice by the Legislature, is a choice by the people, through the agency of their public servants: That Counsellors so chosen, and who enter on the duties, assigned to them, as soon as they are chosen, will be more independent of the Chief Magistrate, and more independent of those who desire executive favor, than if chosen in any other mode, though not less responsible to the people, because elected by the joint ballot of the two houses. We have all concurred in the opinion, that more than seven Counsellors are not necessary.

THE JUDICIARY.

In the Judicial Department, we think two amendments are expedient.

An *independent Judiciary* is a fundamental principle of a *free government*. We cannot so well express our sentiments, on this important subject, as by referring to the twenty ninth article of the Declaration of Rights.

It is there said, "*It is the right of every citizen to be tried by Judges, as free, impartial, and independent, as the lot of humanity will permit;*" and therefore, "*that Judges should hold their offices as long as they behave themselves well.*"

The Judges have not such tenure of office, unless the Constitution be understood to mean, that they are not liable to removal until they have an opportunity to show that the alleged causes for removal are unfounded and insufficient. The Legislature, in removing a Judge exercises not only a discretionary but a Judicial power. Judgment cannot justly be given, in any case, affecting any interest, even of the humblest citizen, unless the cause has been first stated, and it has been permitted to him to show, what he considers to be the truth of his case.

It cannot, then, be consistent with the plainest principles of justice, that the public functions of a citizen, and perhaps his reputation, may be taken from him without any other notice from those who may exercise such power, than that they have exercised it, and that his relation to the public has ceased.

In whatever estimation we may hold the rights and interests,

of any individual, who sustains a high Judicial office, it is rather the public right, and interest, which move us to propose the subjoined amendment.

The people can have no dearer interests of any thing pertaining to government, than in the interpretation of the laws; and in the administration of justice, affecting life, liberty, property and character. The constitution, with the explanatory amendment, which we propose, secures to the people the unquestionable right of removing the unfit, the unworthy and the corrupt; while it secures to them the no less valuable right of preserving to themselves, the able, the upright, and the independent magistrate.

We propose, therefore, so to amend the Constitution as to require, that no judicial officer shall be removed from office, until the alleged causes of removal are stated on the records of the Legislature; nor until the individual, thereby affected, shall have had an opportunity to be heard.

In the second article of the third chapter it is provided; that each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinion of the Judges, on important questions of law, and upon solemn occasions. We think this provision ought not to be a part of the Constitution; because, first, each department ought to act on its own responsibility. Second, Judges may be called on to give opinions on subjects, which may afterwards be drawn into Judicial examination before them by contending parties. Third, no opinion ought to be formed, and expressed, by any Judicial officer, affecting the interest of any citizen, but upon full hearing, according to law. Fourth, because if the question proposed, should be of a public nature, it will be likely to partake of a political character; and it highly interests the people that Judicial officers should not be involved in political or party discussions.

We, therefore, recommend that this second article, should be annulled.

SECRETARY AND TREASURER.

We recommend that the Executive should be empowered to fill vacancies, occurring in these departments, during the recess of the General Court, until a constitutional election is made.

MILITIA.

We propose that the office of Commissary General should not be filled by legislative election; nor in any other manner, excepting as the Legislature may, by law, provide; if such an officer should, hereafter be necessary.

As minors are required, by law, to perform military duty, and have consequently a direct interest in the qualifications for office, in those whom they are holden to obey, the want of discretion, which is legally affirmed of minors in other cases, is not applicable to this; and we have therefore, proposed an amendment, which authorizes those minors, who are enrolled in the militia, to vote in the choice of officers.

To diminish expense in the militia service, and to secure able and faithful performance of duty therein, we think it expedient to empower the Legislature, to provide, by law, for the removal of officers in certain cases.

OATHS OF OFFICE.

We recommend that the oath of abjuration be abolished. However proper this oath may have been, while this country was maintaining its conflict for independence, with the mother country, the success of that conflict, and the lapse of time, have rendered that oath inapplicable to our condition.

We have agreed that the declaration of belief in the christian religion, ought not to be required, in future; because we do not think the assuming of civil office, a suitable occasion for so declaring; and because it is implied, that every man, who is selected for office, in this community, must have such sentiments of religious duty, as relate to his fitness for the place, to which he is called.

DISQUALIFICATIONS FOR OFFICE.

Some amendments are recommended in this division of the

Constitution, founded on one, or other, of these principles, viz: First, to prevent the exercise, by the same individual, of those powers of government, which the Constitution ordains to be kept separate. Secondly, to preserve that distinction between the National and State governments, which the principle, on which these governments are relatively founded, require.

NOTARIES PUBLIC.

No difference of opinion occurred, on the expediency of transferring the appointment of these officers, from the Legislative to the Executive department.

HARVARD UNIVERSITY.

We have thought it proper to inquire into the present state of this ancient and respectable institution; and have done this by the agency of a fully competent committee. We have made this inquiry, because this seminary has experienced the patronage of government from its earliest foundation; and was justly held to be worthy of appropriate constitutional provisions by our predecessors. It appears that the powers conferred on Harvard University, have always been exercised, and that the duties required of it have always been performed, with a sincere, and ardent desire, to promote the diffusion of useful knowledge; and to establish and preserve an honorable reputation in literature, and morals in this community.

We have however thought it proper, with the consent and approbation of the corporation, and overseers of the University, to propose to you, that the Constitution should be so amended as to make ministers of the gospel, of any denomination, eligible to the office of Overseers.

For the further illustration of this interesting subject, we beg leave to refer to the report of the committee, which was read in Convention, and ordered to be published.

INCORPORATION OF CITIES.

It appeared to us, that it would be convenient, and proper, that towns containing more than twelve thousand inhabitants, should, on application, of the qualified voters, by petition to the

Legislature, be incorporated with municipal, or city powers and privileges. Without such powers and privileges, the inhabitants of such towns must continue to vote in one meeting, however numerous they may become. This is already found to be an inconvenience in two towns, for the removal of which, provision ought to be made. Under the limitations and restrictions, which we have provided, we can see no reason why the power to incorporate, should not be vested in the Legislature. And we, therefore, recommend an alteration of the Constitution, so as to effect this purpose.

PROVISION FOR FUTURE AMENDMENTS.

It may be necessary that specific amendments of the Constitution should hereafter be made. The preparatory measures in assembling a Convention, and the necessary expense of such an assembly are obstacles of some magnitude, to obtaining amendments through such means ; we propose that whenever two thirds of the House of Representatives, and a majority of the Senate in two successive Legislatures, shall determine that any specific amendment of the Constitution is expedient, such proposed amendment shall be submitted to the people ; and if accepted by the people, the Constitution shall be amended accordingly. We believe that the Constitution will be sufficiently guarded from inexpedient alterations, while all those which are found to be necessary, will be duly considered, and may be obtained with comparatively little expense.

MODE OF SUBMITTING AMENDMENTS.

We have determined that it is not expedient to redraft the Constitution ; we believe it would be more acceptable to you, to see the proposed amendments separately. We therefore send them to you in this manner ; and numbered successively ; and accompanied by a form, in which assent or dissent may be easily expressed and made known.

You will perceive that if the amendments are adopted, we propose that the amended Constitution shall go into operation on the fourth day of July in the present year ; and that the first

elections will take place on the second Monday of November next ; and that the State Officers then chosen will commence their official duties on the first Wednesday of January, next following.

After due deliberation, we have decided, that it is most expedient and proper, that a large committee of the Convention shall be in session on the fourth Wednesday of May next, to receive the returns from the several towns ; and that this committee shall examine the returns, and certify the result, to the Governor and to the Legislature ; which will be in session on and after the last Wednesday of May next. The Legislature will then declare to the people, in such manner as the Legislature may see fit, the will of the People on the amendments which we submit to them.

We think this, Fellow Citizens, a proper occasion to allude to those grateful sentiments which we feel, in common with yourselves, for the blessings which have been experienced in this highly favoured community.

That pious, virtuous, well informed men should have been inspired to seek a home on these shores, and should have been supported in all the perils inseparable from their enterprise ; that their intelligence and manly virtues should have been transmitted through successive generations to descendants who dared to will and to effect a termination of all political connexion with a powerful kingdom ; that these descendants should have been able, in the midst of war, and of civil dissention, to establish a republic so wisely balanced as to accomplish every rational and beneficent purpose which they had in view, are subjects which come to our recollection at this time, with peculiar interest. We do feel, and it becomes us to acknowledge, that we are a favored and a happy people, in our national and domestic relations. And, especially, that while so much of the civilized world is struggling with serious and fearful difficulties, it is permitted to this community, peaceably to assemble, and to deliberate and decide on the best means of securing and perpetuating social benefits and unquestioned rights.

Among the duties of gratitude, is that of showing that we are worthy of these blessings, by conscientiously preserving them ; among the obligations which are inseparably connected with these blessings, is that of transmitting them to those who are to come, as faithfully as they have been guarded for us.

In Convention, Jan. 9, 1821....Read and Accepted.

ISAAC PARKER, *President.*

A TRUE COPY.

ATTEST,

BENJ. POLLARD, *Secretary.*

The first of these is the fact that the majority of the specimens are from the same locality, and that the majority of the specimens are from the same individual. This is a very important fact, as it shows that the majority of the specimens are from the same individual, and that the majority of the specimens are from the same locality. This is a very important fact, as it shows that the majority of the specimens are from the same individual, and that the majority of the specimens are from the same locality.

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